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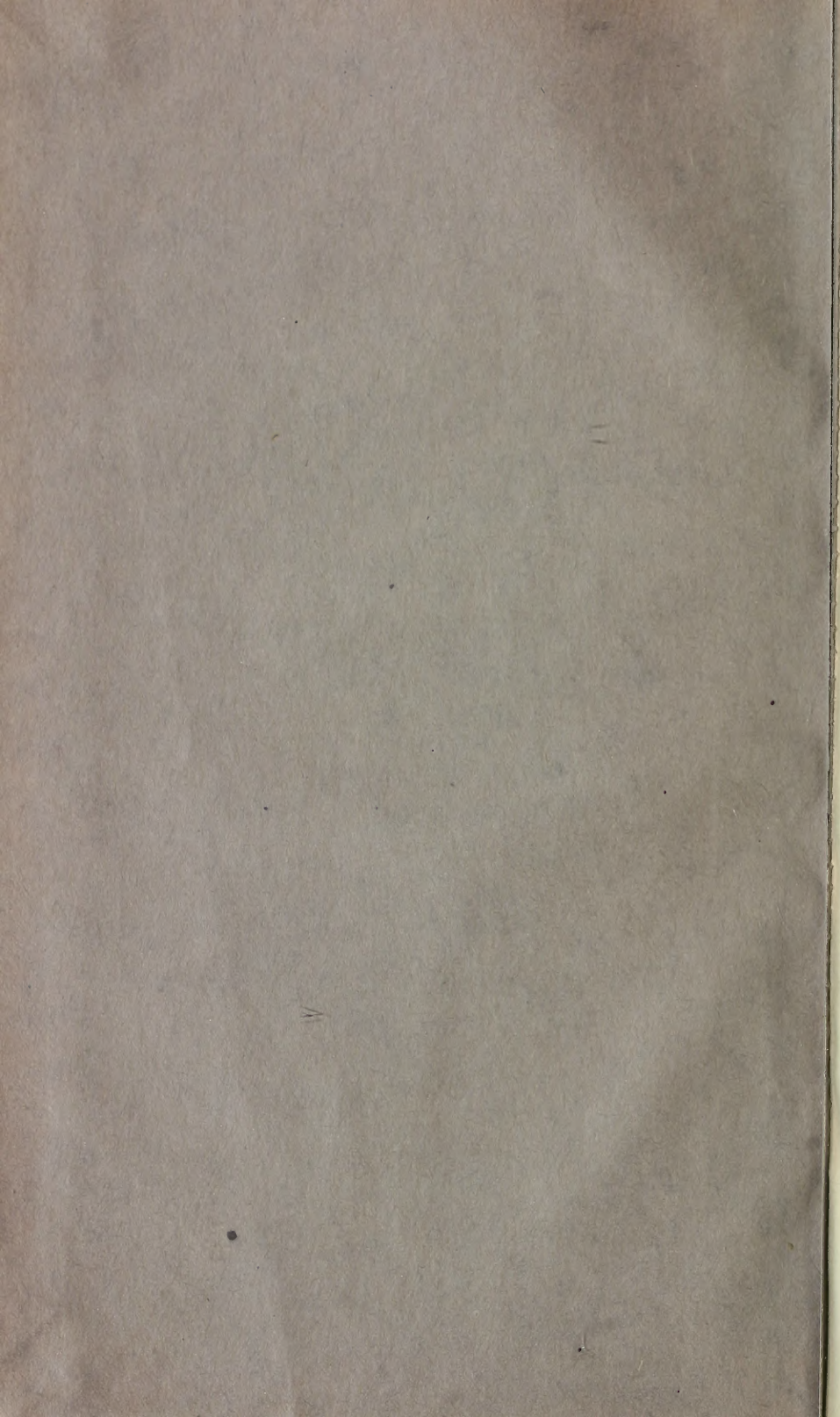
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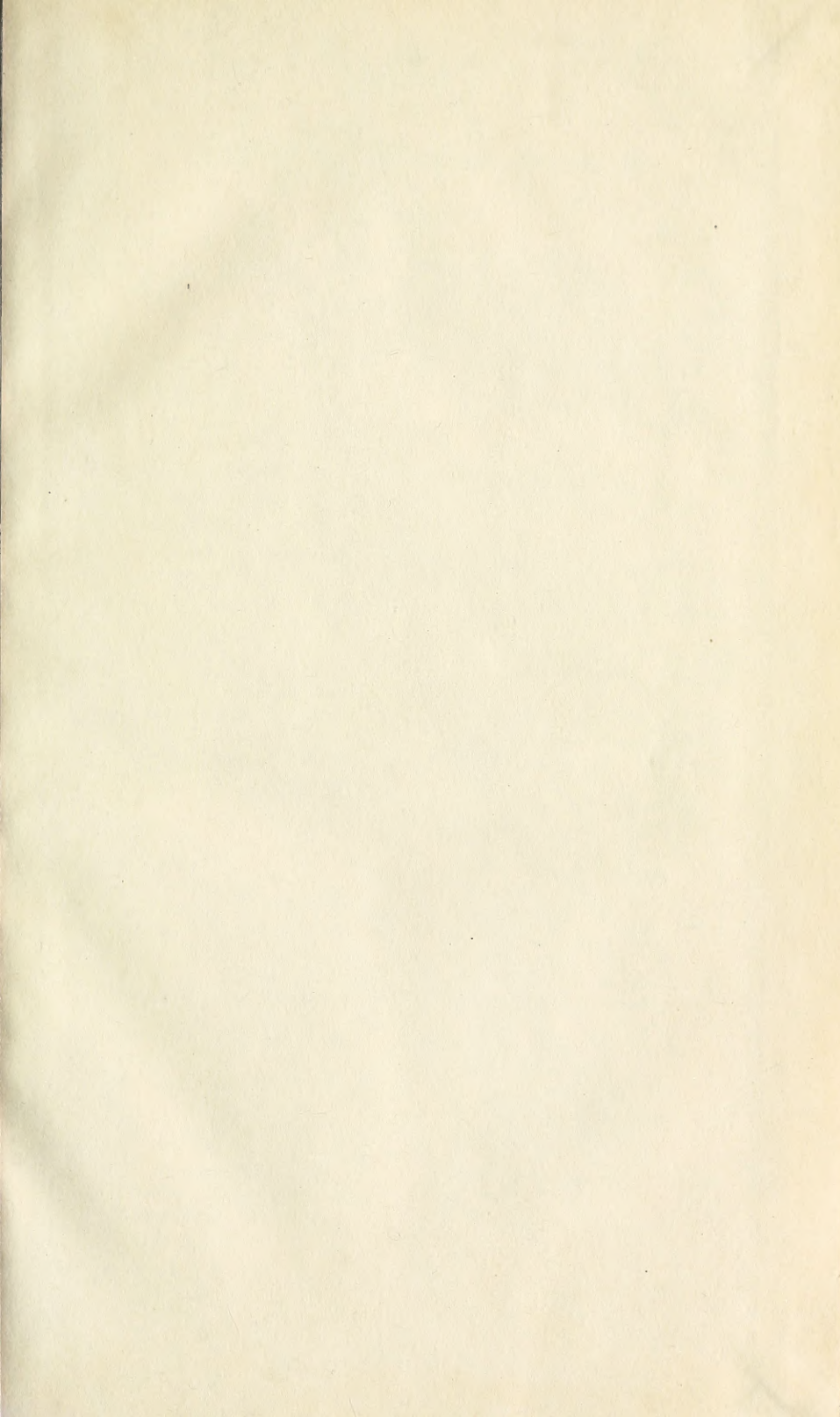
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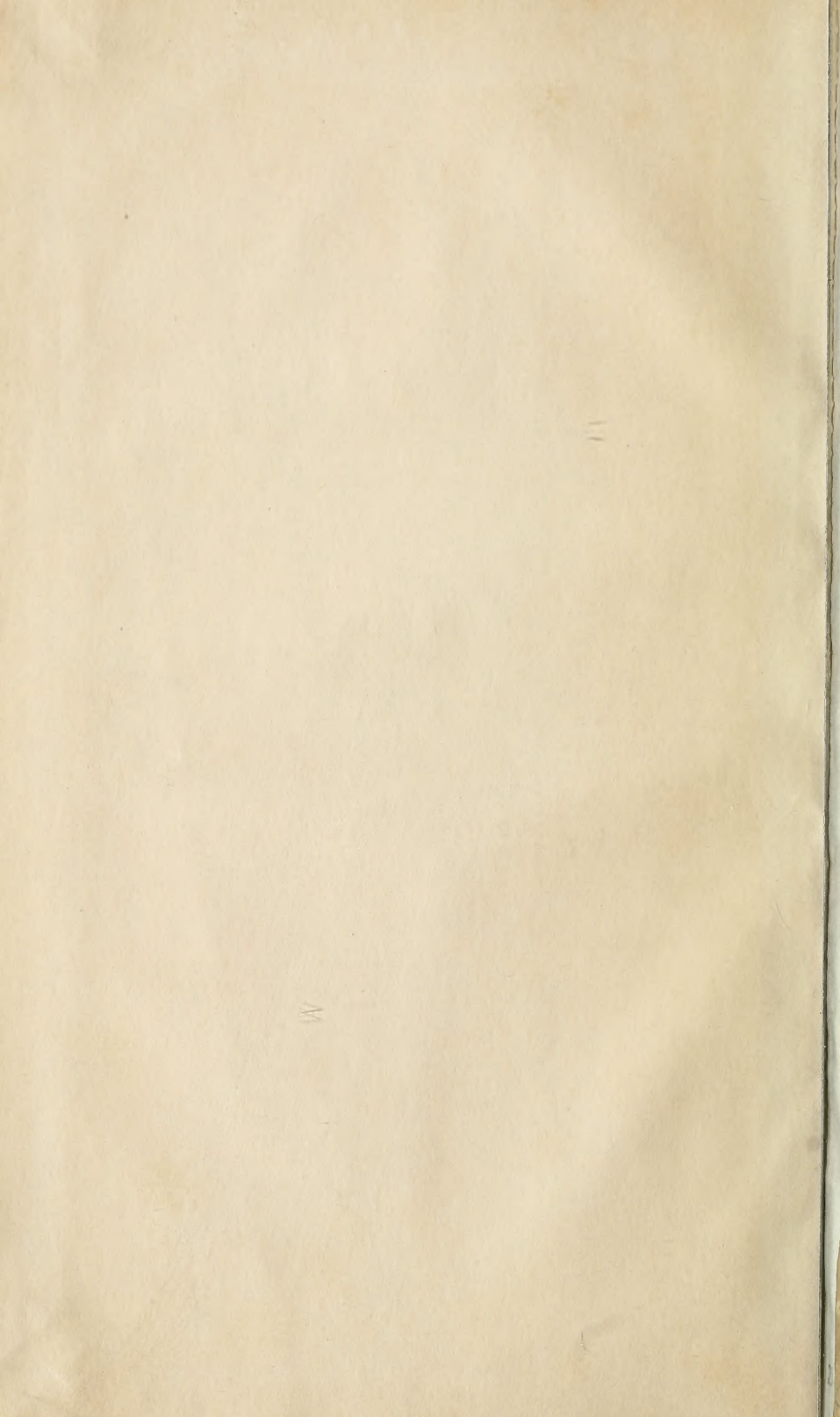
1822 - Senate

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JOURNAL OF THE SENATE.

At a General Assembly, begun and held in the city of RALEIGH, on Monday, the 18th day of November, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of the INDEPENDENCE OF THE UNITED STATES OF AMERICA: It being the first session of this General Assembly.

The Returning Officers of the several counties certified that the following persons were duly elected to represent the counties in the Senate, respectively, to wit:

For *Anson County*, Wm. Marshall, For *Iredell*, Alexander Torrence,
Ashe, Elijah Calloway, *Lenoir*, Nathan B. Whitfield,
Beaufort, Jas. O. K. Williams, *Lincoln*, Robert Williamson,
Bertie, *Martin*,
Bladen, *Mecklenburg*, Michael M'Leary,
Brunswick, John C. Baker, *Montgomery*, James Legrand,
Buncombe, Zebulon Baird, *Moore*,
Burke, Samuel P. Carson, *Nash*, Wm. W. Boddie,
Cabarrus, Paul Barringer, *New-Hanover*, Thomas Devane,
Camden, Mason Culpepper, *Northampton*, John Peebles,
Carteret, Whittington Davis, *Onslow*,
Caswell, Bartlett Yancey, *Orange*, Duncan Cameron,
Chatham, Jesse Bray, *Pasquotank*, Wm. C. George,
Chowan, *Perquimons*, J. H. Jacocks,
Columbus, *Person*, Robert Vanhook,
Craven, Richard D. Spaight, *Pitt*, Luke Albritton,
Cumberland, Lachlin Bethune, *Randolph*, Seth Wade,
Currituck, Edmund S. Lindsay, *Richmond*, Stephen Wall,
Duplin, Daniel Glisson, *Robeson*, Isaac Sullivan,
Edgecombe, Hardy Flowers, *Rockingham*, Thos. Blackwell,
Franklin, James Houze, *Rowan*, Joseph Spurgen,
Gates, John B. Baker, *Rutherford*, Wm. Green,
Granville, Wm. M. Sneed, *Sampson*, Wm. Robinson,
Greene, *Stokes*, Emanuel Shober,
Guilford, Jonathan Parker, *Surry*, Solomon Graves,
Halifax, John Branch, *Tyrrell*, John B. Beasley,
Haywood, Hodge Raiburn, *Wake*, Henry Seawell,
Hertford, David E. Sumner, *Warren*, Wm. Miller,
Hyde, George W. Jordan, *Washington*, Benjamin Phelps,
Johnston, Joseph Richardson, *Wayne*,
Jones, Durant Hatch, *Wilkes*, Edmund Jones.

In pursuance of which certificates, the following gentlemen appeared, were qualified agreeable to law, and took their seats, to wit: Messrs. Wm. Marshall, Elijah Calloway, James O. K. Williams, John C. Baker, Zebulon Baird, Samuel P. Carson, Paul Barringer, Mason Culpepper, Whittington Davis, Bartlett Yancey, Jesse Bray, Richard Dobbs Spaight, Lachlin Bethune, Edmund S. Lindsay, Daniel Glisson, Hardy Flowers, James Houze, John B. Baker, Wm. M. Sneed, Jonathan Parker, John Branch, Hodge Raiburn, David E. Sumner, George W. Jordan, Joseph Richardson, Durant Hatch, Alexander Torrence, Nathan B. Whitfield, Robert Williamson, Michael M'Leary, James Legrand, Wm. W. Boddie, Thomas Devane, John Peebles, Duncan Cameron, Wm. C. George, Jonathan H. Jacocks, Robert Vanhook, Luke Albritton, Seth Wade, Stephen Wall, Isaac Sullivan, Thomas Blackwell, Joseph Spurgen, Wm. Green, Wm. Robinson, Emanuel Shober, Solomon Graves, John B. Beasley, Henry Seawell, Wm. Miller, Benjamin Phelps and Edmund Jones.

On motion of Mr. Glisson, Bartlett Yancey, Esq. the member of this House, from the county of Caswell, was unanimously Chosen Speaker of the Senate, and conducted to the Chair accordingly.

On motion of Mr. Glisson, Benjamin H. Covington was appointed Clerk of the Senate, and James W. Clark, Clerk Assistant.

On motion of Mr. Glisson, Thomas B. Wheeler and Robert Ray were appointed Doorkeepers of the Senate.

On motion of Mr. Glisson, *it is ordered*, That a committee, consisting of three members, be appointed to draw rules of decorum for the government of this House; and that the rules of Decorum, adopted for the government of the Senate, at the last session of the Legislature, be, and they are hereby adopted, for the government of this House, until the committee appointed for this purpose shall make their report; and, thereupon, the Speaker appointed Messrs. Glisson, Branch and Cameron, as the committee.

Richard T. Brownrigg, the Senator from the county of Chowan, not having in his possession the certificate of his election, on motion of Mr. Glisson, it was *Resolved*, That the certificate of the members of the House of Commons, from said county, be received as evidence of his election; and the said certificate being read, Mr. Brownrigg was qualified, and took his seat.

Mr. Wade announced to this House the death of Ephraim Daniel, Esq. the senator elected from the county of Wayne; whereupon, it was *Ordered*, That a writ of election issue to the Sheriff of Wayne, commanding him to hold an election, at the several places appointed by law, in said county, for the purpose of choosing a person, duly qualified, to represent said county in the Senate, for the present year, on Thursday, the 28th day of this month; and that the writ of election be sent by an express.

On motion of Mr. Shober, a message was sent to the House of Commons, informing them of the organization of the Senate, by the appointment of Bartlett Yancey, Esq. Speaker, Benjamin Covington, Clerk, and James W. Clark, Clerk Assistant, Robert Ray and Thomas B. Wheeler, Doorkeepers; and of their readiness to commence their public duties.

The Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, NOVEMBER 19, 1822.

The Senate met.

Mr. Shober presented the resignation of Edward Tatum, as Justice of the Peace for the county of Stokes; which was read and accepted.

James J. M'Kay, senator of the county of Bladen, and Alexander Troy, senator of the county of Columbus, appeared, produced the certificates of their election, were qualified before the Senate, and took their seats.

Received from the House of Commons, a message, stating the due organization of that House, by the appointment of the Hon. John D. Jones, Speaker, Pleasant Henderson, Clerk, and William B. Lockhart, Clerk Assistant; and that they are ready to proceed on public business.

Received from the House of Commons, a message, proposing that a joint select committee be appointed to wait on his excellency the Governor, and inform him of the organization of the two Houses, and of their readiness to receive any communications which he may think proper to make to them; and appointing Messrs. Fisher and Blackledge as a committee on the part of that House; which proposition was read and agreed to; and Messrs. Glisson and Barringer were appointed to form the said committee, on the part of the Senate.

Mr. Sneed presented the resignations of Willis Lewis and Augustin Harris, as Justices of the Peace for the county of Granville; which were read and accepted.

On motion of Mr. Shober, a message was sent to the House of Commons, proposing that the two Houses proceed immediately to ballot for three engrossing Clerks; and nominating Thomas Armstrong, Samuel F. Patterson, Robert Potter, John Bruce, L. B. Hardin, William Lumsden, James Copeland, Donald R. M'Leod, William M. White, Willis Whitaker, Moses Loyd Hill and Jesse Adams.

Mr. Barringer presented the resignation of Michael Stough, a Justice of the Peace for the county of Cabarrus; which was read and accepted.

Received from the House of Commons, a message, consenting to ballot immediately for three engrossing Clerks, as proposed by the Senate, and adding to the nomination the names of Burgess L. Beall, Fanning Jones, and Joshua E. Lumsden; and appointing Mr. Baird and Mr. Beall superintendants of the balloting on the part of that House.

Whereupon, Mr. Lindsay and Mr. Beasley were appointed superintendants of the balloting on part of the Senate.

Mr. Glisson, from the committee appointed to wait on his excellency the Governor, *Reported*, That the committee were authorised by his excellency to state, that he would make a communication to the Legislature at 12 o'clock to-morrow.

The Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, NOVEMBER 20, 1822.

The Senate met.

Mr. Glisson presented the resignations of John Maxwell and Lewis Herring, Justices of the Peace of the county of Duplin; which were read and accepted.

Mr. Beasley, from the committee appointed to conduct the balloting for three engrossing Clerks, *Reported*, That Thomas T. Armstrong and Samuel F. Patterson were duly elected, and that no other person in nomination had a majority of votes; which report was concurred in.

Mr. Shober presented the resignation of David Linville, a Justice of the Peace for the county of Stokes; which was read and accepted.

Received from the House of Commons, a message, proposing that the two Houses ballot immediately for one engrossing Clerk, yet to be elected; and stating that the names of Fanning Jones, Joshua E. Lumsden, John Bruce, Lauriston B. Hardin, Willis Whitaker, Donald R. McLeod and Jesse Adams are withdrawn from the nomination; and that Mr. Sneed and Mr. Smith attend the Senate as superintendants of the balloting on the part of that House.

Whereupon, a message was sent to the House of Commons, agreeing to the foregoing propositions, and stating that the name of Moses Loyd Hill is withdrawn from the nomination; and that Mr. Blackwell and Mr. Beasley attend the House of Commons to receive the ballots.

Received from the House of Commons, a message, proposing that a joint select committee be appointed, for the purpose of preparing Joint Rules for the government of the two Houses; and appointing, on the part of that House, Messrs. Hill, Fisher, Strange, Dulany and Ward, to compose the said committee; which proposition was agreed to; and Messrs. Seawell, Cameron, Branch, Williamson and Spaight were appointed on the part of the Senate.

Mr. Blackwell, from the committee appointed to conduct the balloting for one engrossing Clerk, yet to be elected, *Reported*, That no person in nomination had a majority of votes; and thereupon, on motion of Mr. Sneed, a message was sent to the House of Commons, proposing to ballot immediately for one engrossing Clerk; and stating that the name of James Copeland is withdrawn from the nomination.

Received from the House of Commons, a message, consenting to ballot immediately for one engrossing Clerk, as proposed by the Senate; and stating that the name of Burgess L. Beall is withdrawn from the nomination; and that Mr. Cotton and Mr. Burgin attend the Senate to receive the ballots. Whereupon, Mr. Vanhook, and Mr. Brownrigg were appointed superintendants of the balloting on the part of the Senate.

The following resignations were presented, to wit: The resignations of Neil Sinclair, a Justice of the Peace for the county of Robeson; Evan Alexander and John M'Corkle, Justices of the Peace for the county of Mecklenburg; and William Dickey, Colonel Commandant, and Thomas Parsons, Major of the second regiment of the militia of Guilford county; which resignations were severally read and accepted.

Mr. Vankook, from the committee appointed to conduct the balloting for one engrossing Clerk, *Reported*, That Robert Potter was duly elected; which report was concurred in.

Mr. Sullivan presented a bill "concerning the town of Lumberton;" which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Carson, presented the resignation of James Askew, a Justice of the Peace, of Burke county; which was read and accepted.

The Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, NOVEMBER 21, 1822.

The Senate met, according to adjournment.

Edward Ward, the senator from the county of Onslow, appeared, pro-

daced the certificate of his election, was qualified before the Senate, and took his seat.

Received from the House of Commons, a message from his excellency the Governor, accompanied with documents. Accompanying this was a message to the Senate, from the House of Commons, proposing that the message from his excellency the Governor be printed, one copy for each member of this General Assembly; which being read in the Senate, was concurred in; and the House of Commons was informed thereof by message.

Received from the House of Commons, the following resignations, to wit: The resignations of William Alred, of Randolph county; Joseph Sup-ton, of Beaufort county; Benjamin Cagle, of Montgomery county; A. Ferrill, of Nash county; John Bowdown, of Warren county; Leonard Linder-man, of Wilkes county; William Haynes, of Haywood county; and Eli-jah Whitehurst, of Carteret county, Justices of the Peace; which were severally read and accepted by the Senate.

Mr. Cameron, from the select joint committee appointed to prepare and report Joint Rules for the transaction of public business, reported the fol-lowing, to wit:

I. Each House shall perfect and finally act on all bills, resolutions and orders, before the same shall be communicated to the other for its concurrence, and if amended in the House to which it is transmitted, it shall be communicated to the House in which it originated, asking the concurrence of that House in the amendment.

II. In any case of amendment of a bill or resolution, agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall consist of an equal number of Members of each House, and shall, at a convenient time and place, to be agreed on, meet and state to each other the reasons of their respective Houses for and against the amendment, and confer freely thereon, and make a report in writing to their respective Houses of the result of their conference.

III. Messages from one House to the other shall be sent by the Clerk Assistant of each House, unless otherwise ordered.

IV. When a message shall be sent from one House to the other, it shall be announced at the door of the House to which it is sent, by the Door-keeper, and shall be respectfully communicated to the Chair, by the person by whom it may be sent.

V. After a bill shall have passed the House in which it shall have originated, it shall be under the signature of the Clerk, and engrossed under his direction and inspection before it shall be communicated to the other House.

VI. After a bill shall have passed both Houses, it shall be duly enrolled on suitable paper by the engrossing Clerks before it shall be presented for ratification.

VII. When bills are enrolled, they shall be carefully examined by a joint committee of two from the Senate and four from the House of Commons, appointed as a committee for that purpose; whose duty it shall be carefully to compare the enrolment with the engrossed bills, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, and make their report of the said bills to the House.

VIII. After examination and report, each bill shall be ratified and signed in the respective Houses; first by the Speaker of the House of Commons, and then by the Speaker of the Senate.

IX. All orders, resolutions and votes of the two Houses shall be examined, engrossed and signed in the same manner as bills.

X. When a bill or resolution which shall have passed in one House, is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

XI. The Committees in each House shall in all cases make a statement of facts on which their report is founded, which statement, with all other papers on which any bill or resolution shall be formed, shall be transmitted to the other House.

XII. The Committee of Finance shall be joint, consisting of eight members of each House, one to be selected from each of the former Judicial Districts.

XIII. Whenever either House shall order any paper or document to be printed, it shall be printed in octavo form, on good paper and with fair type, and shall be distributed in the following manner: One copy thereof to each member of the General Assembly, one copy to the Clerk of each House for the use thereof, and ten copies shall be deposited in the public Library.

The foregoing Report being read, was adopted by the Senate, and sent to the House of Commons.

Mr. Barringer presented "A bill to repeal an act, passed in the year 1820, entitled "an act limiting the time in which judgments before a Justice of the Peace may be revived;" also, an act, passed in 1821, entitled "an act to explain and amend an act, passed at the last session of the General Assembly, entitled "an act limiting the time within which judgments before a Justice of the Peace may be revived;" which bill was read the first time, and passed.

Mr. Spaight presented the following resolutions, to wit:

1. *Resolved*, That so much of the Governor's message as relates to internal improvement, be referred to a select committee.
2. That so much of the Governor's message as relates to the militia, and the public arms, be referred to a select committee.
3. That so much of the Governor's message as relates to education, be referred to a select committee.
4. That so much of the Governor's message as relates to the Cherokee lands, be referred to a select committee.
5. That so much of the Governor's message as relates to the agriculture of the state, be referred to a select committee.
6. That the reports from the Legislature of South-Carolina and Massachusetts, on an amendment to the constitution of the United States, relative to the establishment of a national bank, be referred to a select committee.
7. That the report and resolution, received from Massachusetts, relative to the appropriation of a portion of the public lands for education, be referred to the same select committee, to whom is referred that part of the Governor's message which relates to education.

And the foregoing Resolutions were read and agreed to.

Mr. Cameron presented the following resolution, which was read and adopted, to wit:

Resolved, That a select committee be appointed, to whom shall be referred all bills or other propositions relating to the judiciary.

Mr. Baker, of Gates, presented the following resolution, which was read and adopted, to wit:

Resolved, That so much of the Governor's message as relates to the repairs of the State House, be referred to a select committee.

Mr. McLeary presented the resignations of William B. Porter, Colonel Commandant, and Thomas Boyd, Lieutenant Colonel of the first regiment of the militia of Mecklenburg county; which were read and accepted.

The Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, NOVEMBER 22, 1822.

The Senate met.

Mr. Outlaw, the senator from the county of Bertie, appeared, produced the certificate of his election, was qualified, and took his seat.

Mr. Glisson, from the committee appointed to draw up rules of order for the government of the Senate, reported the following, to wit:

I. When the Speaker takes the Chair, each Member shall take his seat; and, on the appearance of a quorum, the journal of the preceding day shall be read.

II. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to the Speaker, and shall confine himself to the question under debate, and avoid personality. And when two or more Members happen to rise at once, the Speaker shall name the one who is first to speak. No Member shall speak oftener than twice on the same question, without leave of the House. And when any Member is speaking, he shall not be interrupted by any person, either by speaking or by standing, or passing between him and the Chair.

III. If any Member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any Member may, call to order; in which case, the Member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate: if there be no appeal, the decision of the Chair shall be submitted to; if the decision be in favor of the Member called to order, he shall be at liberty to proceed—if otherwise, and the case require it, he shall be liable to the censure of the House.

IV. When a motion is made and seconded, no other motion shall be received, unless it is to amend the main question, to postpone it, to commit it, to let it lie on the table, or to adjourn.

V. Questions on bills and resolutions may be stated by the Speaker sitting, but shall be put standing. Questions shall be distinctly put in this form: "As many as are of opinion that (as the case may be) say Aye;" and, after the affirmative voice is expressed—"As many as are of a contrary opinion say No." If the Speaker doubts as to the voice of the majority, or a division be called for, the Speaker shall call on those in the affirmative of the question to rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two Members, one from each side, to tell the Members in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall state the division to the House, and announce its decision. No Member shall be permitted to enter his Yea or Nay unless he be within the bar

of the Senate at the time the question is put from the Chair, unless by leave of the Senate.

VI. When any Member shall make a motion which is not of course, he shall reduce the same to writing, if required,

VII. In all cases of ballot by the House, the Speaker shall vote; and when, on a division, there shall be an equal number of votes, the Speaker shall decide the question. In no other case shall he vote, unless his vote, if given to the minority, will make the division equal; and when an equal division is produced by the Speaker's vote, the question shall be lost.

VIII. No Member shall depart the service of the House without leave, or receive pay as a Member for the time he is absent.

IX. Petitions, memorials, and other papers, addressed to the House, shall be presented by the Speaker, or by a Member in his place; a brief statement of the contents thereof shall verbally be made by the introducer, and the petition, memorial, or other paper shall not be read, unless so ordered by the House.

X. A bill or resolution, for the appropriation of public money, shall be read the first time for information; and upon this reading shall not be subject to amendment, but may be amended on the second or third reading.

XI. All bills of a public nature, when ready for the second hearing, shall be noted to be read at least one day previous thereto, and then shall first be read for information, and afterwards paragraph by paragraph, and held open for amendment.

XII. When a question has been once decided, it shall be in order for any Member of the majority to move for the reconsideration thereof on the same or succeeding day.

XIII. The Speaker shall examine and correct the Journal before it is read; he shall have the general direction of the Hall; he shall designate the Members who shall compose select committees, except when otherwise ordered; and the select committees of this House shall consist of five members.

XIV. There shall be appointed, by the Senate, a committee of Propositions and Grievances, a committee of Privileges and Elections, and a committee of Claims, consisting of eight members, one to be selected from each old Judiciary District.

XV. When the House resolves itself into a committee of the whole, the Speaker shall leave the chair, and appoint a chairman; and when, upon any other occasion, the Speaker wishes to leave the chair, he shall appoint a Speaker pro. tem.

XVI. When any petition, memorial, or other paper addressed to the House, shall have been referred, either to one of the standing or select committees, they shall, in their report on the petition, memorial, or other paper, make a statement in writing of the facts embraced in the case so referred.

XVII. In case of any disturbance or disorderly conduct in the gallery or lobby, the Speaker, or Chairman of the Committee of the whole House shall have power to have the same cleared.

XVIII. No person, except Members of the House of Commons, Officers and Clerks of the two Houses of the General Assembly, Judges of the Supreme and Superior Courts, Officers of the State resident at the seat of Government, Members of Congress, persons particularly invited by

the Speaker, and such gentlemen as have been members of either House of the Legislature, shall be admitted within the Hall of the Senate.

XIX. Any Member dissatisfied with the decision of the Speaker, on any question of order, may appeal to the House.

XX. When the private interests of a Member are concerned in a bill, question or resolution, he is to withdraw; and he is not to be a member of the Committee to which such bill, question or resolution may be referred.

XXI. When the House adjourns, the Members shall keep their seats till the the Speaker leaves the chair.

XXII. On motion for adjournment, the question shall be decided without debate.

The foregoing being read, it was *Resolved*, That the Senate do concur therewith; and, on motion of Mr. Williamson, it was *Ordered*, that the same, together with the Joint Rules and Orders of the two Houses, adopted at this session, be printed, one copy for each member of the General Assembly.

On motion of Mr. Spaight, the Senate proceeded to the appointment of standing committees; which were made as follows:

On the Committee of Finance.—Messrs. M'Kay, Branch, Williamson, Seawell, Baker of Gates, Spaight, Bethune and Graves; and this being a Joint committee, in conformity with the Joint Rules and Orders of the two Houses, it was *Ordered*, that the House of Commons be informed thereof by message; which was sent accordingly.

On the Committee of Propositions and Grievances.—Messrs. Baker, of Brunswick, Flowers, Jones, Sneed, Outlaw, Williams, Wall and Shober.

On the Committee of Privileges and Elections.—Messrs. Troy, Boddie, Carson, Bray, Brownrigg, Hatch, Marshall and Barringer.

On the Committee of Claims.—Messrs. Ward, Peebles, Beard, Vanhook, Jacocks, Whitfield, Robinson and M'Leary.

Received from the House of Commons, a message, proposing to appoint a Joint select committee, to be styled the "Library Committee;" and stating that Messrs. Henry, Edward Graham and Broadnax were appointed to compose the said committee on the part of that House; which proposition was read and agreed to; and Messrs. Cameron, M'Kay and Brownrigg were appointed on the part of the Senate.

Received from the House of Commons the following resignations, to wit: The resignation of David Ward, of Onslow county, Thomas Lindley, of Chatham county, Benjamin Clarke, of Haywood county, Philip Faulk, of Columbus county, and John Hogg, of New-Hanover county, Justices of the Peace; which were severally read and accepted by the Senate.

Mr. Wall presented the resignations of Thomas Crawford and Duncan M'Coll, Justices of the county of Richmond; and Mr. Boddie presented the resignation of David Winborne, a Justice of the Peace for the county of Nash; which were severally read and accepted.

The Senate adjourned until to-morrow morning, 10 o'clock.

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SATURDAY, NOVEMBER 23, 1822.

The Senate met.

The following persons are appointed on the several select committees ordered on the message of the Governor:

On the first resolution, Messrs. Branch, Hatch, Miller, Wade and Jones; on the second, Messrs. M'Kay, M'Leary, Jacocks, Barringer and Houze; on the third, Messrs. Shober, Brownrigg, Legrand, George and Sumner; on the fourth, Messrs. Graves, Carson, Blackwell, Sneed and Wall; on the fifth, Messrs. Outlaw, Baker,

of Brunswick, Baird, Parker and Calloway; on the sixth, Messrs. Spaight, M'Kay, Williams, Culpepper and Beasley; on the Judiciary, Messrs. Cameron, Seawell, Spaight, Troy and Williamson; on the Repairs of the State House, Messrs. Baker, of Gates, Flowers, Robinson, Devane and Whitfield.

Received from the House of Commons, a message, stating that they have appointed a Committee of Finance, consisting of Messrs. Hill, Carson, Barringer, Jones, Jiggitts, Blackledge, Ward and Henry.

Mr. Spaight presented the following Resolution: "That a select committee of three be appointed, to consider of the propriety of appropriating a seat to each member of the Senate, to be held during the Session;" which was not agreed to.

On motion, it is *Ordered*, That Mr. Seawell, the member of this House from the county of Wake, have leave of absence from the services of the Senate, from and after this day, until Wednesday next.

On motion of Mr. Shober, the following Resolution was adopted, to wit: "That a select Joint Committee be appointed to inquire whether it be expedient or not to make a new arrangement of the Congressional Districts of the State, taking into view the late census, and the apportionment of Congress; and that said committee consist of two members from each of the present Congressional Districts, one from each House; and that said committee report by bill or otherwise: And thereupon, Messrs. Shober, Carson, M'Leary, Graves, Wade, Wall, Cameron, Sneed, Outlaw, Lindsay, Flowers, Baker, of Brunswick, and Hatch, were appointed to compose the said committee on the part of the Senate.

Received from the House of Commons, a message, proposing that a joint select committee be appointed, to be composed of one member from the Congressional Districts, agreeably to the last apportionment of Representatives; and appointing, on the part of that House, Messrs. Henry, Skinner, Jones, Blackledge, Cole, Dulany, Hunt, Strange, Mebane, Hill, Fisher, Rea, James Graham and Gordon; which proposition was not agreed to.

Mr. Cameron presented a bill "to amend an act, passed in 1810, entitled an act to amend an act, entitled an additional act to an act, entitled "Feme Coverts how to pass Lands;" which was read the first time and passed.

Mr. Baker, of Brunswick, presented a bill to amend an act passed in the year 1806, entitled "an act directing the sale of public land adjoining the town of Smithville;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. M'Leary presented an allowance made by the County Court of Mecklenburg, in favor of Leah Beaty, widow of John Beaty, a soldier in the revolutionary war, for the sum of forty dollars; which was read and countersigned by the Speaker of the Senate, and sent to the House of Commons.

Mr. Jacocks presented the following resolution, to wit: That the committee on the Judiciary be instructed to inquire into the expediency of revising, amending, and consolidating, the several acts, and parts of acts, now in force in this State, relative to executors and administrators, and report to the Senate; which resolution was adopted.

Mr. Miller presented the petition of Elizabeth Vaughn, of Warren county, praying the passage of an act to secure to her such property as she may hereafter acquire, and for other purposes.

Mr. Carson presented the petition of Jesse Hulsey, praying an allowance for services rendered by him in the revolutionary war, and in consequence of his disability, from wounds received from the Indians.

Which petitions were referred to the committee of Propositions and Grievances.

Mr. Hatch presented the petition of Lewis Foscue, Lieutenant Colonel of the militia of Jones County, praying an allowance for services rendered in commanding a detachment of the militia of said county, called out for the purpose of suppressing and quieting depredations and alarms made by certain slaves, and other persons of color, unlawfully armed; which was referred to the committee of Claims.

Received from the House of Commons the resignations of Jesse Vannoy and George Wheally, Justices of the Peace of Wilkes county; which were read and accepted by the Senate.

The Senate adjourned until Monday morning, 10 o'clock.

MONDAY, NOVEMBER 25, 1822.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill to amend an act passed in the year 1806, entitled "an act directing the sale of public lands adjoining the town of Smithville;" in which they ask the concurrence of that House.

Mr. Person, the Senator from the county of Moore, and Mr. Hyman, the Senator from the county of Martin, appeared, produced the certificates of their election, were qualified before the House, and took their seats.

Mr. Boddie presented the following resolution.

That the Public Treasurer be authorised to pay to John Ricks, late sheriff of Nash County, the sum of nine dollars and sixty cents, for forty-eight insolvent polls for the year 1819, and the sum of ten dollars and eighty cents, for fifty-four insolvent polls for the year 1820; and that he be allowed the same in the settlement of his public accounts.

Which resolution, together with the accompanying documents, was referred to the committee of Claims.

Mr. Glisson presented a bill to alter the name of Amos Brown, and to legitimate him; which was read the first time and passed; and the same being read the second time, it was *resolved by the Senate*, that this bill shall not pass.

On motion of Mr. Glisson, a message was sent to the House of Commons, proposing that a balloting take place, at the meeting of the two Houses to-morrow morning, for a Governor of this state for the ensuing year; and nominating for that appointment Gabriel Holmes, Esq.

On motion of Mr. Williamson, the following resolution was adopted, to wit:

That the committee on the Judiciary be instructed to inquire whether any alteration is necessary in the laws of this state, relative to the punishment of persons guilty of the offence of altering or defacing the marks or brands of others; and that they report by bill or otherwise.

The resolution adopted by the Senate on the 23d instant, relative to the appointment of a joint select committee, to inquire into the expediency of making a new arrangement of the Congressional Districts of the state, was returned from the House of Commons, read and concurred with; and

stating that Messrs. Henry, Skinner, Jones, Blackledge, Cole, Dulany, Hunt, Strange, Mebane, Hill, Fisher, Rea, James Graham and Gordon, compose the said committee on the part of that House.

Received from the House of Commons a certificate of an allowance, made by the County Court of Cumberland, in favor of Isabella Campbell, widow of James Campbell, a soldier in the continental line of this state, in the revolutionary war; which was endorsed, read and countersigned by the Speaker of that House; and, on motion of Mr. Bethune, the same was countersigned by the Speaker of the Senate.

Mr. Troy presented a bill to alter the times of holding the Superior Courts in the fifth circuit; which was read the first time and passed; and, on motion of Mr. Spaight, was ordered to lie on the table.

Mr. Williamson presented a bill, allowing to the state the right of peremptory challenge to Jurors in all prosecutions for capital offences; which was read the first time and passed.

Mr. M'Kay presented a bill declaring what staves and heading shall be merchantable; which was read, and, on motion of Mr. Baker, of Gates, the same was referred to a select committee, consisting of Messrs. Baker, M'Kay, Baker, of Brunswick, Phelps and Culpepper.

Mr. Williamson presented the following resolution:

That the committee on the Judiciary be instructed to inquire into the expediency of laying off the state into eight Judicial circuits, and to appoint two additional Judges to hold the Superior Courts; and, if inexpedient, whether any other alteration or amendment is necessary to be made in the Judiciary system of the state.

Which resolution was adopted

Mr. Spaight presented the petition of John Rhem, and others, of the county of Craven, praying an allowance for services rendered in a detachment of the militia of said county, called out for the purpose of suppressing and quieting depredations and alarms made by certain slaves and other persons of color, unlawfully armed, and for wounds received in rendering the said services; and Mr. Davis presented the petition of Ference Pellettier, and others, on the same subject; which petitions were referred to the committee of claims.

Mr. Culpepper presented a petition from the citizens of Camden county, praying the repeal of a law, passed in 1820, directing the manner in which property levied on by Sheriffs and Constables shall be sold hereafter; also an act of 1821, directing the time and place of sale of lands and slaves under execution; which was referred to the committee of Propositions and Grievances.

Received from the House of Commons the resignations of George Cabaness, of Rutherford county, and Wm. V. Spaight, of Greene county, Justices of the Peace; which were read and accepted by the Senate.

The Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, NOVEMBER 26, 1822.

The Senate met.

Received from the House of Commons the certificate of allowance made by the County Court of Mecklenburg, in favor of Leah Beaty, widow of John Beaty, endorsed, read and countersigned by the Speaker of that House.

Received from the House of Commons a message, consenting to ballot,

at the time proposed by the Senate, for Governor of the State for the ensuing year.

Mr. Green presented "a bill exempting regular Ministers of the Gospel, of every denomination, from serving as Jurors," which was read the first time and passed.

Mr. Miller presented a certificate of allowance made by the County Court of Warren, in favor of Elizabeth Harris, widow of Burwell Harris, a soldier in the Revolutionary War, for the sum of sixty dollars; which was read and countersigned by the Speaker of the Senate; and sent to the House of Commons.

Mr. Baker, of Gates, from the select committee to whom was referred the "Bill declaring what staves and heading shall be merchantable, reported the same without amendments; whereupon, the said bill was read the first time and passed.

Mr. Barringer presented the petition of Moses Kiser and others, of Montgomery County, praying to be annexed to the county of Cabarrus; and also the petition of John Barger, on the same subject; which were referred to the committee of Propositions and Grievances.

Mr. Spurgen presented "a bill for the division of Rowan County," which was read the first time and passed.

Mr. Blackwell presented the following resolution:

That a select committee be appointed to inquire into the expediency of issuing an additional quantity of Treasury Notes, of the kind heretofore issued; and that they report by bill or otherwise.

Which resolution was agreed to, and Messrs. Blackwell, Lindsay, Shober, Ward and Troy were appointed to compose the said committee.

On motion, a message was sent to the House of Commons, stating that Messrs. Glisson and Shober attend that House to conduct the balloting, on the part of the Senate, for a Governor of the State for the ensuing year, as heretofore agreed on by the two Houses.

Mr. Carson presented a bill to repeal an act, passed in the year 1821, entitled an act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of the county of Burke; and Mr. M'Leary presented a bill to repeal an act, passed in the year 1810, chapter 105, entitled an act authorising the Courts of Pleas and Quarter Sessions for the county of Mecklenburg to appoint a committee on roads; which bills were read the first, second and third times, and passed, and ordered to be engrossed.

Mr. Graves presented a bill to fix the time of appointing the county Trustee of Surry county; which was read the first and second times, and passed; and, on motion of Mr. M'Kay, the same was referred to a select committee, consisting of Messrs. M'Kay, Graves, Branch, Marshall and Person, with instructions to prepare and report a public bill on the subject.

Received from the House of Commons, a message, stating that Mr. Williamson and Mr. Ward attend the Senate as a committee to superintend the balloting for the Governor of the State, for the ensuing year.

Mr. Glisson, from the committee appointed to conduct the balloting for a Governor of the State, for the ensuing year, *Reported*, That Gabriel Holmes, Esq. was duly elected; which report was concurred with.

Mr. Torrence presented a bill for the better regulation of the Courts of Pleas and Quarter Sessions of the county of Iredell; which was read the first and second times, and passed.

The Senate proceeded to the consideration of the bill to amend an act, passed in 1810, entitled an act to amend an act, entitled an additional act to an act, entitled feme coverts how to pass lands; and, the same being read the second time, Mr. Branch moved an amendment, by striking out the words "may have been, or," in the 5th line thereof; which was not agreed to. The yeas and nays on this question, being demanded by Mr. Lindsay, were as follows:

For striking out, are Messrs. Albritton, Baker, of Brunswick, Branch, Boddie, Blackwell, Culpepper, Flowers, Glisson, Houze, Jordan, Jacobs, Lindsay, Person, Sneed, Vanhook, Ward—Yeas 16.

Against striking out, are Messrs. Baird, Barringer, Bray, Brownrigg, Bethune, Baker, of Gates, Beasley, Carson, Cameron, Calloway, Davis, Devane, Greene, Graves, Hatch, Hyman, Jones, Legrand, Marshall, McKay, McLeary, Miller, Outlaw, Parker, Peebles, Phelps, Raburn, Richardson, Robeson, Spaight, Sumner, Sullivan, Shober, Troy, Torrence, Williams, Whitfield, Williamson, Wade, Wall—Nays 40.

The question then recurred on the passage of the said bill the second time; and the question thereon was determined in the affirmative.

The Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, NOVEMBER 27, 1822.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill to repeal an act, passed in the year 1810, chap. 105, entitled an act to authorise the County Court of Pleas and Quarter Sessions for the county of Mecklenburg to appoint a committee on roads; also, a bill to repeal an act, passed in the year 1821, entitled an act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of the county of Burke; in which they ask the concurrence of that House.

Mr. Raburn moved and obtained leave to withdraw the petition of Henry Smith, praying to be placed on the pension list of this state; and the petition of John Massey, praying for a military land warrant; which petitions were presented, and rejected, at the last session of the General Assembly; and, on motion, the said petitions were referred to the committee of Propositions and Grievances.

Mr. Jacobs presented the following resolution:

That the Clerk of this House cause each seat in the Senate chamber to be numbered, and that each member, in alphabetical order, draw, by lot, one seat; which seat, so drawn, shall be claimed, during the session, by the members, respectively.

Which was not agreed to.

Mr. Raburn presented the following resolution:

That the Public Treasurer be directed to pay to James Patton, James Buckhannon and John Stephenson a compensation for their services, in viewing the state road from Buneombe and Haywood line to the Georgia line, as laid off by commissioners, appointed under an act of the General Assembly; and that he be allowed the same in the settlement of his public accounts.

Which was read the first time and passed; and, on motion of Mr. Person, was referred to the committee of Claims.

Received from the House of Commons, the report of the Public Treasurer, endorsed in that House, read and referred to the committee of Finance, and ordered to be printed; which reference and order was agreed to by the Senate; and the House of Commons was informed thereof, by message.

Mr. Ward presented the petition of Wm. L. Hill, colonel of the militia of Onslow county, praying compensation for services rendered, in com-

manding a detachment of the militia of said county, called out for the purpose of suppressing and quieting depredations and alarms, made by certain slaves, and other persons of color, unlawfully armed; which was referred to the committee of Claims.

The bill for the better regulation of the Courts of Pleas and Quarter Sessions of the county of Iredell, was read the third time, and passed, and ordered to be engrossed.

Mr. Williams presented the petition of a company of militia on Blount's creek, in Beaufort county, praying to be attached to the battalion musters held at Washington.

Mr. Jones presented the petition of sundry inhabitants of Wilkes county, praying the passage of a law to restore to credit John Shatterly; and Mr. Person presented the petition of John B. Kelly, and others, in favor of James Jackson, of Moore county, who was convicted and punished for the crime of petit larceny; which petitions were severally referred to the committee of Propositions and Grievances.

Mr. Ward presented the following resolution, to wit:

Whereas, the first and sixth divisions of militia of this state are so large as to make it very laborous and expensive to major generals, to review, and often prevents reviews; therefore,

Resolved, That the committee on Military Affairs be instructed to inquire into the propriety of dividing the said divisions into three divisions, and six brigades.

Which was agreed to.

Received from the House of Commons, a message, stating that they have passed a bill to amend an act, passed in the year 1798, entitled an act for the further regulation of the town of Newbern; also, a bill to repeal the 5th section of an act, passed in the year 1821, entitled an act directing the time and place of sale of lands and slaves under execution; and asking the concurrence of the Senate. Thereupon, the said bills were read the first time, and passed.

The Senate entered upon the orders of the day, when the bill exempting regular ministers of the gospel of every denomination, from serving as jurors, was read the second and third time, and passed, and ordered to be engrossed. On the passage of the said bill, the third reading, the yeas and nays were demanded by Mr. Greene, which are as follows:

For the passage of the bill, are Messrs. Albritton, Baker, of Brunswick, Baird, Barringer, Bray, Brownrigg, Boddie, Blackwell, Beasley, Carson, Cameron, Calloway, Davis, Devane, Flowers, Glisson, George, Greene, Graves, House, Jordan, Jones, Legrand, Marshall, M'Leary, Outlaw, Parker, Person, Peebles, Phelps, Raiburn, Richardson, Robinson, Sumner, Spurgen, Shober, Torrence, Vanhook, Williams, Whitfield, Williamson, Wade, Wall—Yeas 43.

Against the passage of said bill, are Messrs. Baker, of Gates, Branch, Culpepper, Hatch, Hyman, Jacocks, Lindsay, M'Kay, Miller, Spaight, Sneed, Sullivan, Troy, Ward—Nays 14.

The Senate continued on the order of the day, when the bill for the division of Rowan county was read the second and third time, and passed, and ordered to be engrossed. On the passage of this bill, the third time, the yeas and nays were demanded by Mr. Lindsay, which are as follows:

For the passage of said bill, are Messrs. Baker, of Brunswick, Baird, Barringer, Bray, Brownrigg, Bethune, Baker, of Gates, Branch, Blackwell, Beasley, Carson, Culpepper, Cameron, Calloway, Glisson, Greene, Graves, House, Hatch, Jordan, Jones, Legrand, Marshall, M'Kay, M'Leary, Miller, Parker, Person, Raiburn, Sneed,

Sullivan, Spurgen, Shober, Troy, Torrence, Vanhook, Williamson, Ward, Wade, Wall—Yeas 40.

Against the passage of the said bill, are Messrs. Albritton, Boddie, Davis, Devane, Flowers, George, Hyman, Jacocks, Lindsay, Outlaw, Phelps, Richardson, Robinson, Spaight, Summer, Williams, Whitfield—Nays 17.

The bill, declaring what staves and heading shall be merchantable, was read the second and third time, and passed, and ordered to be engrossed.

The Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, NOVEMBER 28, 1822.

The Senate met.

A message was sent to the House of Commons, stating that they have passed a bill for the better regulation of the Courts of Pleas and Quarter Sessions of the county of Iredell; a bill declaring what staves and heading shall be merchantable; a bill exempting regular ministers of the gospel, of every denomination, from serving as jurors; and a bill for the division of Rowan county; in which they ask the concurrence of that house.

Mr. Shober, from the committee of propositions and grievances, to whom was referred the petition of John B. Kelly, and others, of Moore county, in favor of James Jackson, made a report thereon; and, the same being read, on motion of Mr. Spaight, the said petition was recommitted, with instructions to report a full statement of facts adduced in support of the petitioner's prayer.

Mr. M'Kay presented a bill to amend an act concerning old titles of land, and for limitations of actions, and for avoiding suits in law; which was read the first time, and passed; and, on motion of Mr. Spaight, was referred to the committee on the judiciary.

Received from the House of Commons, a message, stating that they have rejected the engrossed bill, entitled a bill to repeal an act, passed in the year 1821, entitled an act to alter the time of holding two of the Courts of Pleas and Quarter Sessions, of the county of Burke; and that they have passed the following bills, to wit: A bill to establish Ebenezer Academy, in the county of Iredell; a bill to repeal an act, passed in 1821, entitled an act to increase the rate of toll at the Big Bridge, in the county of New-Hanover; a bill to repeal the second section of an act, passed in the year 1821, respecting the Supreme Court; a bill to incorporate Eagle Lodge, No. 71, Hillsborough; a bill to amend an act, passed in the year 1798, entitled an act for the further regulation of the town of Newbern; and a bill to amend the first section of an act, passed in the year 1821, entitled an act for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Mecklenburg; and asking the concurrence of the Senate; which bills were severally read the first time, and passed; and the bill to repeal the second section of an act, passed in the year 1821, respecting the Supreme Court, was referred to the committee on the judiciary.

The certificate of the Court of Pleas and Quarter Sessions, of Warren county, in favor of Elizabeth Harris, was returned from the House of Commons, endorsed, read and countersigned by the Speaker of that house.

Mr. Ward, from the committee of claims, to whom was referred the resolution in favor of John Ricks, late sheriff of Nash county, reported the said resolution without amendment, which was read the first time, and passed.

Received from the House of Commons, a message, proposing that a balloting for Senator, to represent this state in the Senate of the United States, take place on Monday week next; which proposition was agreed to by the Senate.

Mr. Calloway presented a bill to appoint commissioners to lay off the great state road from Jonathan Woody's old Blacksmith's Shop to Salem; which was read the first time, and passed; and, on motion of Mr Calloway, was referred to the committee of internal improvement.

Mr. Williamson presented a resolution, instructing the committee on the judiciary to enquire whether any alteration is necessary to be made in the laws of this state relative to the probate of wills, granting letters of administration, and settlement of accounts between guardians and their wards; and to report by bill or otherwise; and Mr. Sneed presented a resolution, instructing the committee on the judiciary to inquire into the expediency of amending the laws now in force, so as to require executors to give bond and security for the faithful discharge of their duties as such, unless in cases when the testator shall, by will, direct the contrary; and that they report by bill or otherwise; which resolutions were referred accordingly.

Mr. Brownrigg presented a resolution, instructing the committee on public buildings to inquire into the expenditures on the repairs of the State House, and the expenses incurred in removing the statue of Washington from Wilmington to this place; which was accordingly referred.

The following bills were presented, to wit: By Mr. Person, a bill making compensation to the jurors of the Superior and County Courts of Moore; by Mr. Brownrigg, a bill to amend an act, entitled an act to amend an act, passed in the year 1777, making provision for the poor, and other purposes; by Mr. Jacobs, a bill authorising the County Court of Perquimons annually to appoint a committee of inspection, or finance; and by Mr. Culpepper, a bill to repeal an act, entitled an act concerning the marriage of infant females, passed in the year 1820; which bills were severally read the first time, and passed.

The bill authorising the County Court of Perquimons annually to appoint a committee of inspection, or finance, was read the second time, and amended, by extending the provisions of said bill to the counties of Halifax, Chowan, and Carteret; and the question shall this bill pass? was determined in the affirmative.

The resolution in favor of John Ricks, late sheriff of Nash county, was read the second time, and passed.

The following engrossed bills, to wit: A bill to amend an act, passed in the year 1798, entitled an act for the further regulation of the town of Newbern; a bill to incorporate Eagle Lodge, No. 71, Hillsborough; a bill to repeal the 5th section of an act, passed in the year 1821, entitled an act directing the time and place of sale of lands and slaves under execution; a bill to establish Ebenezer Academy, in the county of Iredell, and to incorporate the trustees thereof; a bill to amend the first section of an act, passed in the year 1821, entitled an act for the better regulation of the Courts of Common Pleas and Quarter Sessions for the county of Mecklenburg; and a bill to repeal an act, passed in 1821, entitled an act to increase the rate of toll at the Big Bridge, in the county of New-Hanover; were severally read the second time, and passed.

The bill making compensation to the jurors of the Superior and County

Courts of Moore, was read the second time; and, on motion of Mr. Davis, the same was amended, by extending the provisions thereof to the county of Carteret; and the question on the passage of the said bill the second time, was determined in the affirmative.

Received from the House of Commons, the resignation of Wm. Lightfoot, of Chatham county, and Joseph Arnold, of Washington county, justices of the peace; which were read and accepted by the Senate.

The Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, NOVEMBER 29, 1822.

The Senate met.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of the county of Camden, praying the repeal of the acts of the General Assembly, passed in the years 1820 and 1821, directing the time and place of the sale of lands and slaves under execution, reported a bill to repeal the acts aforesaid; which bill was read the first time and passed; and, on motion of Mr. Sneed, was ordered to lie on the table.

Mr. Shober, from the same committee, to whom was referred the petition of John B. Kelly, and others, of Moore county, in behalf of James Jackson, reported a bill, entitled a bill to restore James Jackson, of the county of Moore, to credit; which was read the first time, and passed.

Mr. Shober, from the same committee, to whom was referred the petitions of John Barger and Moses Kizer, of Montgomery county, praying to be annexed to the county of Cabarrus, made reports unfavorable to the prayer of the petitioners; which were concurred in.

Mr. Shober, from the same committee, to whom was referred a petition from the Blount's creek company of infantry, of the county of Beaufort, praying to be annexed to the battalion of Washington, reported a bill to amend an act, passed in the year 1820, entitled an act for the better organization of the militia of Beaufort county; which was read the first time, and passed.

Received from the House of Commons, a message, proposing the appointment of a committee, consisting of Mr. Robert A. Jones and Mr. Blair, on the part of that House, to act with such committee as may be appointed by the Senate, to wait on his excellency Gabriel Holmes, and to inform him of his re-election to the chief magistracy of the state, for the ensuing year; and to know of him at what time it will suit his convenience to take the oaths necessary for his qualification; which proposition was agreed to, and Mr. Carson and Mr. Beasley were appointed to compose the said committee, on the part of the Senate.

Mr. Cameron, from the committee on the Judiciary, to whom was referred the resolution adopted by the Senate on the 25th inst. instructing them to inquire whether any alteration is necessary in the laws of this state, relative to the punishment of persons guilty of the offence of altering or defacing the marks or brands of others, reported a bill to amend an act, passed in 1741, entitled an act to prevent stealing of cattle and hogs, and altering and defacing marks and brands, and mismarking and misbranding horses, cattle and hogs, unmarked and unbranded; which was read the first time and passed.

Mr. Cameron, from the same committee, to whom was referred the en-

grossed bill to repeal the second section of an act, passed in the year 1821, respecting the Supreme Court, reported the same without amendment; which, on motion, was ordered to lie on the table.

Mr. Person presented the following resolution, which was read and adopted, to wit:

Whereas, a contract exists between the Board of Commissioners of Internal Improvement, in behalf of the State on the one part, and Hamilton Fulton, engineer, on the other part; and whereas, it is essentially necessary that the Representatives of the people should be officially informed as to the nature and extent of said contract, and the sum paid, or promised to be paid, to the said Fulton, for his services the present year:

Resolved, therefore, That the committee on Internal Improvement be, and they are hereby instructed to inquire into the nature and extent of the contract made on the part of the state by the board of Commissioners of Internal Improvement, on the one part, and Hamilton Fulton, engineer, on the other part; and also what sum, by way of salary or otherwise, has been given, or promised to the said Fulton, by said Board, for his services during the present year; and at what time the contract now existing will expire; and that they report the facts to this House.

Mr. Barringer presented the following resolution, which was adopted, to wit:

That the committee on the Judiciary be instructed to inquire into the expediency of amending the laws now in force, touching the removal of suits from one county to another; also, the laws granting appeals from the Superior Courts to the Supreme Court.

Received from the House of Commons, a message, proposing that a joint select committee be appointed, to inquire into the expediency of authorising, by law, the issue of a further sum in Treasury Notes; and that they have leave to confer with the Treasurer of the State and the Directors of the State Bank on the subject; and that they report by bill or otherwise; and appointing Messrs. Martin, Bateman, Graves, Robert A. Jones, and Hastings, to compose the said committee on the part of that House; which proposition was read and agreed to; and Messrs. Blackwell, Lindsay, Shober, Ward and Troy, were appointed on the part of the Senate.

The adoption of the foregoing resolution being objected to, and the yeas and nays demanded by Mr. Glisson, were as follows:

For the adoption of the resolution, are Messrs. Albritton, Baird, Bray, Bethune, Blackwell, Beasley, Culpepper, Calloway, Flowers, Glisson, Green, Graves, Houze, Hyman, Jordan, Lindsay, Legrand, Marshall, McKay, Miller, Outlaw, Parker Person, Peebles, Phelps, Raiburn, Richardson, Robeson, Sullivan, Spurgen, Sheber, Torrence, Vanhook, Williams, Ward, Wall—yeas 36.

Against the adoption of the resolution, are Messrs. Baker, of Brunswick, Barringer, Brownrigg, Baker, of Gates, Branch, Boddie, Carson, Cameron, Davis, Devane, George, Hatch, Jacobs, Jones, McLeary, Spaight, Sneed, Sumner, Seawell, Troy, Whitfield, Williamson, Wade—nays 23.

Received from the House of Commons, a message, stating that they have passed a bill to repeal an act, passed in the year 1821, entitled an act to prevent the hauling of seines between the New Inlet, near the mouth of Cape-Fear river and Bar, and inlet commonly called Howe's Inlet; also, a bill to amend an act, passed in the year 1819, entitled an act to appoint commissioners for the town of Chapel Hill, in Orange county; also, a bill to incorporate the town of Clinton, in Sampson county, and to appoint commissioners of the same; also, a bill to authorize the County Courts of Pleas and Quarter Sessions of Chatham, Anson, Iredell, Rockingham, and Randolph counties to appoint a committee of Finance; also, a bill to amend an act, passed in the year 1819, entitled an act relative to the appointment of a

county trustee for the county of Brunswick, and for other purposes; also, a bill to amend an act, passed in the year 1817, entitled an act to authorise the County Courts of Wilkes and Brunswick to appoint a Committee of Finance; also, a bill to authorise Henry Smith to erect a Gate on his lands, across a public road, in the county of Halifax; also, a resolution in favor of judge Nash; and also, resolutions in favor of Joseph Medley, sheriff of Anson county, and Samuel W. W. Vick, sheriff of Nash county; and asking the concurrence of the Senate. Whereupon, the said bills and resolutions were read the first time and passed.

The following engrossed bills, to wit: A bill to establish Ebenezer Academy, in the county of Iredell, and to incorporate the trustees thereof; a bill to repeal an act, passed in 1821, entitled, an act to increase the rate of toll at the Big Bridge, in the county of New-Hanover; a bill to repeal the fifth section of an act, passed in the year 1821, entitled an act directing the time and place of sale of lands and slaves under execution; a bill to amend the first section of an act, passed in the year 1821, entitled, an act for the better regulation of the courts of Pleas and Quarter Sessions, for the county of Mecklenburg; and a bill to incorporate Eagle Lodge, No. 71, Hillsborough; were severally read the third time and passed, and ordered to be enrolled.

The bill making compensation to the jurors of the Superior and County Courts of Moore and Carteret, was read the third time and amended, by extending its provisions to the county of Bertie; and the question on the passage of the said bill was determined in the affirmative, and ordered that the same be engrossed.

Mr. McKay, from the select committee to whom was referred the bill to fix the time of appointing the county trustee of Surry county, reported an amendment, to strike out all the bill to them referred, except the words "a bill," and to adopt the one reported, entitled a bill to fix the time of appointing the county trustee of each of the counties of this state; which bill, as amended, was read the second time, and passed.

The resolution in favor of John Ricks, late sheriff of Nash county, was read the third time and passed, and ordered to be engrossed.

The engrossed bill to authorise Henry Smith to erect a Gate on his lands, across a public road, in the county of Halifax, was read the first time and passed; and, on motion of Mr. Branch, was referred to the committee of Propositions and Grievances.

Mr. Baird presented a bill concerning the town of Asheville, which was read the first time and passed.

Mr. Wade presented the following resolution:

Whereas, doubts have arisen with the Secretary of State, with respect to his being authorised, by law, to make out Grants on surveys, including the margins and beds of rivers only: Therefore, *Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of passing a law explaining the duty of the Secretary on that subject, and that said committee report by bill or otherwise.

Which was agreed to.

The engrossed bill to amend an act, passed in the year 1798, entitled an act for the further regulation of the town of Newbern, was read the third time and passed with an amendment—"over the age of eighteen years," in the 6th line of the first section; and a message was sent to the House of Commons, asking their concurrence.

Received, from the House of Commons, the resignation of I. Speight, a Justice of the Peace of Greene county; which was read and agreed to.

The Senate adjourned until to-morrow, 10'clock.

SATURDAY, NOVEMBER 30, 1822.

The Senate met.

A message was sent to the House of Commons, stating the passage of a bill making compensation to the jurors of the Superior and County Courts of Moore, Carteret and Bertie; and a resolution in favor of John Ricks, late sheriff of Nash county; and asking the concurrence of that House.

Mr. M'Kay presented the following resolution, which was adopted, to wit:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of providing a more expeditious and summary remedy, than is afforded by the existing law, for recovering judgments on bonds given to sheriffs and other officers, for the delivery of property levied or seized by execution, or other process, and which said bonds became forfeited by a breach of the conditions thereof.

The following bills being read, to wit: A bill to authorise the County Courts of Pleas and Quarter Sessions of Chatham, Anson, Iredell, Rockingham, and Randolph counties, to appoint a Committee of Finance; a bill authorising the County Court of Perquimons, Halifax, Chowan, Carteret and Cabarrus, annually, to appoint a Committee of Inspection or Finance; and a bill to amend an act, passed in the year 1817, entitled an act to authorise the County Courts of Wilkes and Brunswick to appoint a Committee of Finance. Which bills were severally referred, on motion of Mr. M'Kay, to a select committee, consisting of Messrs. M'Kay, Jacocks, Bray, Marshall, and Baker of Brunswick, with instructions to report a bill extending the provisions thereof to all the counties in the State; or to consolidate the said bills, as they shall find it most expedient.

Mr. Person presented the following resolution, which was adopted, to wit:

Resolved, That the committee on the Judiciary inquire into the expediency of compelling both plaintiff and defendant to give security for the payment of costs, when an appeal is taken from the judgment of a single Justice of the Peace; and that they report by bill or otherwise.

The bill to restore James Jackson, of the county of Moore, to credit, and the bill concerning the town of Asheville, were read the second time; and the last mentioned bill was amended, on motion of Mr. Baird, by inserting, after the word "*Asheville*," the words "*Buncombe county*." And thereupon, the said bills were passed the second time.

Mr. M'Kay presented a bill declaring the time at which the acts of the General Assembly of this State shall be in force; which was read the first time and passed.

The following engrossed bills, to wit: A bill to incorporate the town of Clinton, in Sampson county, and to appoint Commissioners of the same; a bill to amend an act, passed in the year 1820, entitled an act for the better organization of the militia of Beaufort county; a bill to amend an act, passed in the year 1819, entitled an act to appoint commissioners for the town of Chapel Hill, in Orange county; a bill to repeal an act, passed in the year 1821, entitled an act to prevent the hauling of seines between the New Inlet, near the mouth of Cape Fear River and Bar, and Inlet, commonly called Howe's Inlet; and a bill to amend an act, passed in the year

1819, entitled an act relative to the appointment of county trustee for the county of Brunswick, and for other purposes; were severally read the second time, and passed.

The Senate entered upon the orders of the day, and proceeded to the consideration of the bill to repeal an act, entitled an act concerning the marriage of infant females, passed in the year 1820; and the same being read the second time, it was resolved by the Senate that this bill shall not pass.

On motion of Mr. Branch, the other orders of the day were postponed, and the Senate proceeded to the consideration of the bill to amend an act, passed in 1810, entitled an act to amend an act, entitled an additional act to an act, entitled Feme Coverts, how to pass lands; and the same being read the third time, Mr. Carson moved to amend the same, by striking out the words "*may have been or*" in the 5th line thereof: which was not agreed to. The Senate then agreed to the amendment proposed by Mr. M'Kay, by inserting in the 31st line thereof, the words "*or in the District of Columbia.*" The question then recurred on the passage of the said bill, as amended; and the question thereon was determined in the affirmative, and the same was ordered to be engrossed.

Mr. Miller presented the resignation of D. B. Allen, as colonel of the militia of Warren county, which was read and accepted.

The Senate adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 2, 1822.

The Senate met.

A message was sent to the House of Commons, stating the passage of a bill to amend an act, passed in 1810, entitled an act to amend an act, entitled an additional act to an act, entitled Feme Coverts, how to pass lands; in which they ask the concurrence of that house.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the petition of Henry Smith, of the county of Haywood, praying for an allowance for services rendered in the revolutionary war, made a report unfavorable to the prayer of the petitioner, which report was concurred in.

Received from the House of Commons, a message, agreeing to the amendment made by the Senate to the bill to amend an act, passed in the year 1798, entitled an act for the further regulation of the town of Newbern: thereupon the said bill was ordered to be enrolled.

Mr. Boddie presented the following resolution, which was adopted, to wit:—

Resolved, That the committee on Agriculture be instructed to inquire into the expediency of passing a law to compel all owners of Cotton Gins to mark or brand each and every bag or bale of Cotton, which they may pick and pack for market; and that they report by bill, or otherwise.

Received from the House of Commons a message, of the date of Saturday last, proposing that a balloting take place on this day, for a public Printer, a Treasurer, and a Comptroller of the public accounts, for the ensuing year; and nominating for public Printer, Colonel Thomas Henderson, for Treasurer, John Haywood, and for Comptroller, Joseph Hawkins; which, being read, the Senate did not agree thereto: and a message was sent to the House of Commons, stating the disagreement of the Senate to ballot *on this day*, for the above mentioned officers, and proposing that the said balloting take place on Wednesday next.

Received from the House of Commons, a message, stating that they have passed the engrossed bill for the better regulation of the Courts of Pleas and Quarter Sessions of the county of Iredell, with an amendment by inserting the 5th section in the following words: "And be it further enacted, That the clerk of said Court shall, at the expiration of each and every term, furnish each justice who may have served on the same, a certificate, specifying the number of days he attended; which certificate shall be a sufficient voucher for the County Treasurer, whose duty it is hereby made, to pay to each Justice presenting the same, the sum of two dollars for every day specified to have been served." Also, a message, stating that they have passed the engrossed bill concerning the town of Lumberton, with an amendment to strike out the whole of the bill, after the words "*be it enacted*," in the first section, and insert the amendment accompanying the same; which several amendments were concurred in by the Senate.

Mr. McKay presented a bill directing the distribution of the Acts of Congress; also, a bill to limit the term of office of certain officers therein named; and Mr. Baker, of Gates, presented a bill to alter the time of electing members of the General Assembly of this state; which were severally read the first time, and passed.

The resolution in favor of Joseph Medley, sheriff of Anson county, was read the second and third time, and passed, and ordered to be enrolled.

The bill to amend an act, passed in the year 1820, entitled an act for the better organization of the militia of Beaufort county; also, the bill to restore James Jackson, of the county of Moore, to credit; and the bill concerning the town of Asheville; were severally read the third time, and passed, and ordered to be engrossed.

The following engrossed bills were severally read the third time, and passed, and ordered to be enrolled, to wit: a bill to repeal an act passed in the year 1821, entitled an act to prevent the hauling of seines between the new Inlet, near the mouth of Cape-Fear River, and bar and inlet, commonly called Howe's Inlet; a bill to amend an act passed in the year 1819, entitled an act relative to the appointment of county trustee, for the county of Brunswick, and for other purposes; a bill to incorporate the town of Clinton, in Sampson county, and to appoint commissioners of the same; and a bill to amend an act, passed in the year 1819, entitled an act to appoint commissioners for the town of Chapel Hill, in Orange county.

Mr. Bray presented the following resolution, to wit:

That the committee of Claims be instructed to inquire into the expediency of allowing to Robert Stinson the entry money of two entries of land, made by him, and upon which no grant has ever issued, and which monies have been paid into the public treasury, heretofore, by the said Robert Stinson, and that they report by bill or otherwise; which was agreed to.

Received from the House of Commons, a message, stating that they have passed the bill to amend an act for the better regulation of the town of Fayetteville, passed in the year 1821; also, a bill to allow commissions to constables in the counties of Warren, Northampton, Brunswick, and New-Hanover; also, a bill concerning the town of Salisbury; and also, a bill to regulate the Courts of Pleas and Quarter Sessions in the county of Cabarrus; and asking the concurrence of the Senate. Whereupon, the said bills were severally read the first time and passed.

The engrossed resolution in favour of Samuel W. W. Vick, sheriff of

Nash county, was read the second and third time and passed, and ordered to be enrolled.

The resolution in favor of judge Nash, passed its second reading; and the yeas and nays being demanded by Mr. Davis, were as follows:

For the passage of the resolution, are Messrs. Albritton, Baker, of Brunswick, Baird, Barringer, Brownrigg, Bethune, Baker, of Gates, Branch, Boddie, Blackwell, Beasley, Carson, Culpepper, Cameron, Calloway, Devane, Glisson, George, Graves, Houze, Hatch, Hyman, Jordan, Jacobs, Jones, Lindsay, Legrand, M'Kay, Miller, Outlaw, Person, Phelps, Robinson, Spaight, Sneed, Sumner, Shober, Troy, Williams, Whitfield, Williamson, Ward, Wall—yeas 43.

Against the passage of the said resolution, are Messrs. Bray, Davis, Flowers, Greene, Marshall, M'Leary, Parker, Peebles, Raiburn, Richardson, Sullivan, Seawell, Torrence, Vanhook, Wade—nays 15.

Thereupon, the said resolution was read the third time, and passed, and ordered to be enrolled.

The Senate entered upon the orders of the day, when the bill allowing to the state the right of peremptory challenge to jurors; in all prosecutions for capital offences, was read the second time, and the question on the passage of the said bill, was determined in the negative.

Received from the House of Commons, the resignations of John Fellow and Moore Thornton, Justices of the Peace of the county of Sampson: which were read and accepted by the Senate.

The Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 3, 1822.

The Senate met.

A message was sent to the House of Commons, stating that the Senate had passed a bill to amend an act, passed in the year 1820, entitled an act for the better organization of the militia of Beaufort county; also, a bill to restore James Jackson, of Moore county, to credit; and, a bill concerning the town of Asheville, in Buncombe county; in which they ask the concurrence of that house.

Jethro Howell, a member of this house, from the county of Wayne, elected to supply the vacancy occasioned by the death of Ephraim Daniel, esq. appeared, produced the certificate of his election, was qualified before the house, and took his seat.

Mr. Brownrigg presented the following resolution, which was agreed to, to wit:

That the committee on the Militia and the Public Arms, inquire into the expediency of erecting arsenals for the reception and safe keeping of such arms as have, or may be received, by this state; and that they report by bill, or otherwise.

Mr. Cameron presented the petition of Thomas Cole, a pensioner of this state, praying that his pension be increased.

Mr. Shober presented the petition of Mildred Gibson, of Stokes county, praying that the property which she may hereafter acquire may be secured to her; and Mr. Williamson presented the petition of David Dillinger, of Lincoln county, praying to be permitted to retail spirituous liquors, free from taxation; which petitions were severally referred to the committee of Propositions and Grievances.

The following bills were presented, to wit: By Mr. Raiburn, a bill declaring at what age a freeman shall be exempt from working on roads. Mr. Greene presented a bill to provide for the opening of the mill dam of Minor Smith, on First Broad River, for the passage of fish up the same;

Mr. Vanhook presented a bill to alter the time of holding the Courts of Pleas and Quarter Sessions of the county of Person; Mr. Williamson presented a bill confirming certain grants therein mentioned; and a bill to alter the time of the annual meeting of the General Assembly of this state; Mr. Parker presented a bill authorising Courts of Pleas and Quarter Sessions to take one bond only of a guardian, to two or more minors, holding property in common; Mr. Seawell presented a bill to amend the several Acts of Assembly, heretofore passed, relative to the appointment of sheriffs; and Mr. Shoher presented a bill authorising the proprietors of Beard's Bridge to keep a ferry, in certain cases: which were severally read the first time, and passed.

Received from the House of Commons, the following resolution, to wit:—

That the Governor of this state, be requested to discharge John Roberts, of Carteret county, from all suits and prosecutions now depending against him, at the instance of the state; and, that he further be requested to pardon him, and discharge him from confinement; which resolution was adopted by that house; and the same being read, was agreed to by the Senate; and ordered that the same be enrolled.

Received from the House of Commons, a resolution in favor of John Minnis, of Orange county, allowing him the sum of sixty dollars, annually; which was adopted by that house; and the same being read, was passed the first time, in the Senate.

Received from the House of Commons, a message, stating that they have appointed a committee on Enrolled Bills, consisting of Messrs. Turner, J. Graham, Mann, and L. Martin; and, thereupon, Messrs. Troy and Hatch were appointed a committee on Enrolled Bills, on the part of the Senate.

Received from the House of Commons, a message, of the date of the 27th ultimo, proposing to ballot, on the day following, for a Brigadier General of the 15th brigade, and nominating William D. Smith; also, a message, of the date of yesterday, proposing to ballot, on this day, for a Brigadier General of the 9th brigade, and nominating James Martin, of Wilkes, and Solomon Graves, of Surry. The foregoing being read, it was ordered that a message be sent to the House of Commons, stating the disagreement of the Senate to ballot at the time proposed in their message of the 27th of November, for a Brigadier General of the 15th brigade, but proposing to ballot for that officer on to-morrow; and stating that the names of Samuel Chunn, Colonel Samuel Davidson, Colonel James Irwin, and John Fagan, are added to the nomination; and also stating the agreement of the Senate to ballot for a Brigadier General of the 9th brigade, as proposed by that house.

Mr. Carson, from the committee appointed to wait on His Excellency Gabriel Holmes, and inform him of his election to the office of Governor of this state, and to know of him when he will attend to take the oaths prescribed by law, reported, that they are authorised to state, that he will attend, for that purpose, in the hall of the House of Commons, at 12 o'clock on Saturday next.

Received from the House of Commons, a message, consenting to ballot, on Wednesday next, for a public Printer, a Treasurer, and a Comptroller of the public accounts, as proposed by the Senate.

Mr. M'Kay presented the following resolution:

That the committee on the Judiciary be instructed to inquire whether any amendments be necessary to an act, passed in 1812, concerning equitable interests in real and personal estate, so as to subject to execution, more fully, rights and interests

which are, or may be possessed by mortgagors, in lands, tenements, rents, or other hereditaments, which are or may be pledged or mortgaged by them.

Resolved, further, That the said committee inquire into the expediency of making liable to execution the legal and equitable rights of redemption, which are, or may be possessed by mortgagors, in or to personal property pledged or mortgaged by them. Which was referred accordingly.

Mr. M'Kay presented a resolution directing the Treasurer to pay to Griffith I. White, sheriff of Bladen county, the amount due him for twenty-two insolvent polls, and one store, for the year 1820; which was referred to the committee of Claims.

Mr. Sullivan presented a bill to amend an act, passed in the year 1798, entitled an act to empower the several County Courts of Pleas and Quarter Sessions, of the several counties in this state, to order the laying out of public roads, and to establish and settle ferries, and to appoint where bridges shall be built, and to clear inland rivers and creeks; which was read the first time, and passed.

Mr. Richardson presented the resignations of Samuel Lee and Robert Gully, Justices of the Peace of the county of Johnson; which were read and accepted.

The Senate entered upon the orders of the day, when the bill to amend an act, passed in 1741, entitled an act to prevent stealing of cattle and hogs, and altering and defacing marks and brands, and mismarking and misbranding horses, cattle, and hogs, unmarked and unbranded, was read the second time. Mr. Seawell moved to amend the same, by inserting the words "*with an intent to defraud any person or persons,*" in the 9th line of the first section. Which amendment was agreed to. Mr. M'Kay moved further to amend the same by making the provisions of the bill extend to sheep, as well as neat cattle and hogs; which was agreed to. Mr. M'Kay then moved to insert the words "*first and*" in the second line of the second section, which was also agreed to; and the question on the passage of the said bill the second time, as amended, was determined in the affirmative.

The bill directing the distribution of the Acts of Congress, being read the second time, Mr. M'Kay moved to amend the same in the 16th line of the first section, by inserting the words "*seven justices being present.*" Mr. Seawell moved to amend the amendment by inserting the word "*five,*" instead of the word "*seven,*" which was agreed to. Mr. Seawell then moved to add the following provisions to the said bill, to wit: "Provided always, that the copies distributed to the clerks and sheriffs, shall, at the expiration of their offices, be delivered over to their successors; and those distributed to the justices, shall, upon their respective deaths, removal, or resignation, be returned to the court by which distributed;" which was agreed to. The question then recurred on the passage of the said bill the second time, as amended; which was determined in the affirmative.

The bill to amend an act entitled an act to amend an act, passed in the year 1777, making provision for the poor, and other purposes, was read the second time. Mr. M'Kay moved to amend the same by striking out the words "*the Treasurer of,*" in the eighth line thereof, and inserting the words "*of the poor;*" which was agreed to. And thereupon the said bill, as amended, was passed the second time.

The bill to repeal an act, passed in the year 1820, entitled an act directing the manner in which property levied on by sheriffs and constables

shall be sold hereafter; also, an act, passed in the year 1821, entitled an act directing the time and place of sale of lands and slaves under execution; was read the second time, and, on motion of Mr. Person, was referred to a select committee, consisting of Messrs. Person, Williamson, M'Kay, Outlaw, and Seawell.

The Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 4, 1822.

The Senate met.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the petition of John Massey, praying for a military warrant, reported the following resolution, to wit:

Resolved, That the Secretary of State be instructed to issue to John Massey, or his representatives, a duplicate warrant for two hundred and twenty-eight acres of military land; which resolution was agreed to.

Mr. Shober, from the same committee, to whom was referred the petition of Thomas Cole, a pensioner of this state, praying that his pension be increased, reported the following resolutions:

That Thomas Cole be considered a pensioner of the state, at the rate of fifty dollars a year, and that he be placed on the pension list accordingly; and that the Treasurer be directed to pay the said sum to him, annually, under the rules and regulations in such cases prescribed.

Resolved, further, That the Treasurer pay to Thomas Cole, one year's pension, say fifty dollars, in advance, and no more, until the expiration of two years; which was read the first time, and passed.

Mr. Shober, from the same committee, to whom was referred the petition of David Dillinger, praying to be authorised to retail spirituous liquors, free from taxation, made a report unfavorable to the prayer of the petitioner; which was concurred in.

Mr. Cameron, from the committee on the Judiciary, to whom was referred the resolution adopted on the 25th ultimo, directing an inquiry whether any alteration is necessary to be made in the judiciary system of this state, reported a bill to establish Courts of Equity, separate from the Courts of Law within this state; which was read the first time, and passed; and, on motion of Mr. Vanhook, the same was ordered to be printed. The engrossed bill, to allow commissions to constables in Warren, Northampton, Brunswick, and New Hanover, was read the third time, and passed, with an amendment striking out the county of New Hanover; and a message was sent to the House of Commons, asking their concurrence in the amendment.

Mr. Person presented the following resolution, to wit:

That the Secretary of State be, and he is hereby directed, to issue to Joseph M'Gee, a grant for one hundred and fifty acres of land, entered in the office of James Matthews, Entry Taker of Moore county, bearing date the 25th of November, 1788, No. 167, as appears by the entry on the books in the Secretary's office; and also by a duplicate Warrant, issued by M. Martin, E. T. for the aforesaid county, in compliance with an order to him directed from the Court of Pleas and Quarter Sessions, held for the county of Moore, which said duplicate warrant bears date the 16th day of May, 1820; which was referred to the committee of Claims.

Mr. Spaight presented the petition of James Grisswold and wife, praying that the Secretary of State be directed to issue to them a grant, corresponding with a survey therein mentioned; which was referred to the committee of Propositions and Grievances.

Mr. Outlaw, from the committee to whom was referred the resolution

directing an inquiry whether it be expedient to make any new arrangement of the Congressional Districts of this state, reported the following resolution: That, in the opinion of this committee, it is inexpedient to make any alteration in the present Congressional Districts of the state. And the same being read, was, on motion of Mr. Brownrigg, recommitted to the same committee, with instructions to report the Federal Numbers of each county, and each of the present Congressional Districts.

Mr. Glisson presented a bill to authorise the Courts of Pleas and Quarter Sessions of the county of Duplin to lay an additional tax for the support of the poor in said county; and Mr. Culpepper presented a bill to amend an act, passed in 1818, entitled an act to establish a poor and work house, in the county of Camden, and for other purposes; which were severally read the first time, and passed.

Received from the House of Commons, a message, stating that Mr. Wilkins and Mr. Pugh attend the Senate as superintendants of the balloting for a Brigadier General of the 15th brigade; and that the name of Samuel Chunn is withdrawn from the nomination: and thereupon, Mr. Carson and Mr. Shober were appointed superintendants of the balloting on the part of the Senate.

Received from the House of Commons, a message, stating that Mr. Gordon and Mr. Hill are appointed superintendants of the balloting for a public Printer, a Treasurer, and a Comptroller, as agreed on to take place this day, and wait on the Senate to receive the ballots. Whereupon Mr. Beasley and Mr. Davis were appointed superintendants of the balloting on the part of the Senate.

Mr. Shober, from the committee appointed to conduct the balloting for a Brigadier General in the 15th brigade, reported, that no person in nomination had received a majority of the votes.

The bill to alter the time of holding the Courts of Pleas and Quarter Sessions of the county of Person, was read the second and third time, and passed, and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed a bill to repeal part of an act, passed in the year 1784, entitled an act to prevent the exportation of unmerchable commodities; also, a bill to provide for the removal of the Clerk's office, of the Courts of Pleas and Quarter Sessions of Guilford county to the Court House; and thereupon the said bills were read the first time, and passed by the Senate.

The engrossed bills, to wit: A bill to amend an act, entitled an act for the better regulation of the town of Fayetteville, passed in the year 1821, chapter 130; and the bill concerning the town of Salisbury; were read the second and third time, and passed, and ordered to be enrolled.

Received from the House of Commons, a message, stating that it was not their intention to ballot for a Comptroller at the same time the balloting for public Printer and Treasurer took place; and proposing to ballot for public Printer and Treasurer only, and to postpone the balloting for Comptroller; which proposition was agreed to by the Senate.

The resolution in favor of John Ricks, late sheriff of Nash county, was returned from the House of Commons, endorsed "Read and concurred with."

Received from the House of Commons, a message, stating that they have passed the engrossed bill making compensation to the jurors of the Supe-

rior and County Courts of Moore, Carteret, and Bertie, with an amendment, in which they ask the concurrence of the Senate. Which amendment was read and agreed to.

The bill authorising the proprietors of Beard's Bridge to keep a ferry, in certain cases, was read the second and third time, and passed, and ordered to be engrossed.

The engrossed bill to regulate the Courts of Common Pleas and Quarter Sessions in the county of Cabarrus, was read the second and third time, and passed, with an amendment, extending the provisions of the said bill to the counties of Moore and Montgomery; and a message was sent to the House of Commons, asking their concurrence in the said amendment.

The Senate entered upon the order of the day, and resolved itself into a committee of the whole, Mr. Person in the chair, on the bill to alter the time of the annual meeting of the General Assembly of this state; and after some time spent therein, the committee rose, and reported an amendment to the said bill, by filling up the blank in the 5th and 6th lines of the enacting clause, with the words "*last Monday of December;*" and by filling up the blank in the 7th line, with the word "*three;*" which was agreed to by the Senate: and the question on the passage of the said bill, the second time, was determined in the affirmative. And thereupon the said bill was read the third time, and passed, and ordered to be engrossed.

The Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 5, 1822.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill authorising the proprietors of Beard's Bridge to keep a ferry, in certain cases; also, a bill to alter the time of holding the Courts of Pleas and Quarter Sessions of the county of Person; also, a bill to alter the time of the annual meeting of the General Assembly; and a resolution in favor of John Massey, or his representatives; in which they ask the concurrence of that house.

On motion of Mr. Spaight, a committee were appointed on Military Land Warrants, consisting of Messrs. Spaight, Williamson, M'Kay, Raiburn, and Baker, of Gates.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the petition of John Shately, of the county of Wilkes, praying to be restored to credit, reported a bill to restore to credit John Shately, of Wilkes county; which was read the first time, and passed.

Mr. Shober, from the same committee, to whom was referred a bill to authorise Henry Smith to erect a gate on his lands, across a public road, in the county of Halifax, reported the same, recommending that the bill be indefinitely postponed; and thereupon Mr. Shober moved that the said bill be indefinitely postponed; which motion was agreed to.

Mr. Shober, from the same committee, to whom was referred the petition of Elizabeth Vaughan, of the county of Warren, praying that she may obtain the guardianship of her children, and that such property as she may hereafter acquire may be secured to her, made a report unfavorable to the prayer of the petitioner; which was concurred in.

Received from the House of Commons, a message, stating that Mr. Speight and Mr. Dardan are appointed superintendants of the balloting

for a public Printer and Treasurer, and now attend the Senate to receive the ballots; and the same being read, it was ordered by the Senate, that the consideration of the subject contained therein, be postponed until Saturday next. Whereupon, on motion of Mr. Person, a message was sent to the House of Commons, proposing to ballot at the meeting of the two houses, on Saturday next, for a Treasurer, Comptroller, and public Printer, for the ensuing year.

The engrossed resolution in favor of John Minnis, of Orange county, being read, was, on motion of Mr. Cameron, referred to the committee of Propositions and Grievances.

Mr. Branch, from the committee of Finance, reported a bill to provide a revenue for the payment of the civil list and contingent charges of government, for the year one thousand eight hundred and twenty-three; which was read the first time, and passed; and, on motion of Mr. Spaight, the same was committed to a committee of the whole house, and made the order of the day for Tuesday next.

Mr. Seawell presented a bill for the better preservation of health in the city of Raleigh; which was read the first time, and passed.

Mr. Baker, of Gates, presented a bill to encourage the apprehension of runaway slaves, in the Great Dismal Swamp; which was read the first time, and passed; and, on motion of Mr. Jacocks, was referred to the members of the Senate from the counties of Currituck, Camden, Pasquotank, Perquimons, Gates, and Chowan.

Mr. Cameron, from the committee on the Judiciary, who were instructed to inquire into the expediency of providing a more expeditious remedy than is afforded by the existing law, for recovering judgments on bonds, given to sheriffs and other officers, for the delivery of property levied or seized by executions, or other process, and which bonds have become forfeited, reported a bill to amend an act, passed in 1807, entitled an act to regulate the charges of sheriffs, coroners, constables, and other officers, in certain cases; which was read the first time, and passed.

Mr. Cameron, from the same committee, to whom was referred the resolution of the 30th of November, directing an inquiry into the expediency of compelling both plaintiff and defendant to give security for the payment of costs, when an appeal is taken from the judgment of a justice, moved that the committee be discharged from the further consideration thereof; which was agreed to.

On motion, Mr. Sneed, the Senator from the county of Granville, and Mr. Boddie, the Senator from the county of Nash, obtained leave of absence from the services of this house, from and after this day, until Monday next.

Received from the House of Commons, a message, proposing to ballot immediately for a Brigadier General of the 15th brigade of militia, and appointing Mr. Cooper and Mr. Clark superintendants of the balloting on the part of that house; which proposition was agreed to; and Mr. Wall and Mr. Raiburn were appointed superintendants of the balloting on the part of the Senate.

The following bills, to wit: A bill directing the distribution of the Acts of Congress; a bill to amend an act entitled an act, passed in the year 1777, making provision for the poor, and other purposes; and a bill to amend an act, passed in 1741, entitled an act to prevent stealing of cattle and hogs;

and altering and defacing marks and brands, and mismarking and misbranding horses, cattle, and hogs, unmarked and unbranded; were severally read the third time, and passed, and ordered to be engrossed.

Mr. Wall, from the committee appointed to conduct the balloting for a Brigadier General of the 15th brigade of militia, reported that no person in nomination had received a majority of the votes. And, thereupon, on motion of Mr. Carson, a message was sent to the House of Commons, proposing that a further balloting immediately take place for that officer.

Mr. Person presented a bill to repeal an act in addition to the acts relative to insolvent debtors, passed in 1821, which was read the first time, and passed.

Received from the House of Commons, a message, stating that they have passed a bill to incorporate Golden Fleece Lodge, No. 74, in the town of Milton, and for other purposes; also, a bill concerning the County Courts of Wake, Carteret, and Johnston; also, a bill for the better regulation of the County Courts of Rowan, and for other purposes; in which they ask the concurrence of the Senate; and thereupon the said bills were severally read the first time, and passed.

The bill to restore John Shately, of the county of Wilkes, to credit; the bill to amend an act, passed in 1818, entitled an act to establish a poor and work house in the county of Camden, and for other purposes; and the resolution in favor of Thomas Cole; were severally read the second and third time, and passed, and ordered to be engrossed.

Received from the House of Commons, a message, agreeing that the bill to allow commissions to constables in the counties of Warren, Northampton, Brunswick, and New-Hanover, shall be amended as proposed by the Senate. Which amendment being made, the said bill was ordered to be enrolled.

The bill to provide for the opening of the mill dam of Minor Smith, on First Broad River, for the passage of fish up the same, was read the second time; and the question on the passage of the said bill was determined in the negative.

The engrossed bill for the removal of the Clerk's Office of the Court of Pleas and Quarter Sessions of Guilford county, to the Court House, was read the second and third time, and passed, and ordered to be enrolled.

Received from the House of Commons the resignations of Thomas Ward, Justice of the Peace for the county of Lincoln; William Doak, Lieutenant Colonel of the cavalry attached to the 8th brigade of militia; John Jarrott, Colonel Commandant of the 2nd regiment of Rowan militia; Dennis Hargis, Colonel Commandant of the 1st regiment of Orange militia; Walter McConnell, Colonel of cavalry, attached to the 8th brigade of militia; A. Bowman and Wyatt Peeples, Justices of the Peace of Guilford county; and William Howard and Jacob Gaskill, Commissioners of Navigation of the port of Ocracoke. Which resignations were severally read and accepted by the Senate.

The Senate entered upon the orders of the day, when the bill declaring at what age a freeman shall be exempt from working on roads, was read the second time; and the question on the passage of the said bill was determined in the affirmative.

The bill to amend the several Acts of Assembly, heretofore passed, relative to the appointment of Sheriffs, was read the second time, and amend-

ed, by adding the following provision to the first section, to wit: "Provided, nevertheless, that nothing in this act shall be so construed as to affect the counties of Brunswick, Haywood, Bancroft, Lincoln, Burke, Perquimons, Bladen, and Cabarrus." And, on motion of Mr. Branch, the said bill was committed to a select committee, consisting of Messrs. Branch, Seawell, M'Kay, Baker, of Brunswick, and Williamson.

The Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 6, 1822.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill to amend an act, passed in the year 1818, entitled an act to establish a poor and work house, in the county of Camden, and for other purposes; a bill to amend an act entitled an act to amend an act, passed in the year 1777, making provision for the poor, and other purposes; a bill to restore John Shately, of the county of Wilkes, to credit; a bill directing the distribution of the Acts of Congress; a bill to amend an act, passed in 1741, entitled an act to prevent stealing of cattle and hogs, and altering and defacing marks and brands, and mismarking and misbranding horses, cattle, and hogs, unmarked and unbranded; and a resolution in favor of Thomas Cole; in which they ask the concurrence of that house.

On motion of Mr. Cameron, the Senator from the county of Orange, obtained leave of absence from the services of this house, from and after this day, until Monday next.

On motion of Mr. Jacocks, a message was sent to the House of Commons, proposing to ballot immediately for a Brigadier General of the 9th brigade of the militia of this state.

Mr. Baird presented a bill to incorporate the Fulton Turnpike Company, which was read the first time, and passed; and, on motion of Mr. Baird, was referred to the committee on Internal Improvement.

Mr. Raiburn presented the following resolution:

That the committee on Internal Improvement be instructed to inquire into the expediency of appropriating, out of the funds set apart for Internal Improvement, a sum of money for the purpose of erecting a bridge across Pigeon river, at or near the place where the road leading from Asheville to Franklin, in the Cherokee purchase, crosses the same, and that they report by bill, or otherwise:

Which was referred accordingly.

Mr. Shober presented the following resolutions:

That the committee on the Judiciary be instructed to inquire into the expediency of modifying the law prescribing the punishment of the crime of perjury, in such a way as to take away the dismembering of the person, yet leaving the necessary severity in punishment

Resolved, further, That the said committee be instructed to inquire into the expediency and practicability of adopting a gradation in the punishment, agreeable to the turpitude of the said offence, and that they report by bill, or otherwise.

Which resolutions were agreed to.

Received from the House of Commons, a message, proposing to ballot immediately for a Brigadier General of the 9th brigade of militia, and appointing Mr. Bateman and Mr. Blair superintendants of the balloting on the part of that house. Which proposition was agreed to; and Mr. Carson and Mr. Jacocks were appointed superintendants on the part of the Senate.

Received from the House of Commons, a message, consenting to ballot

immediately for a Brigadier General of the 15th brigade of militia, and appointing Mr. Wilkins and Mr. Cotton on the part of that house. And, thereupon, Mr. Calloway and Mr. Legrand were appointed superintendants of the balloting on the part of the Senate.

Mr. Carson, from the committee appointed to conduct the balloting for a Brigadier General in the 9th brigade of militia, reported, that Colonel Solomon Graves was duly elected; which report was concurred in.

Received from the House of Commons, a message, consenting to ballot, on Saturday next, for Treasurer, Comptroller, and public Printer, for the ensuing year, as proposed by the Senate; and adding to the nomination for Comptroller, the name of Thomas Turner.

Mr. Legrand, from the committee appointed to conduct the balloting for a Brigadier General in the 15th brigade of the militia of this state, reported, that no person in nomination had received a majority of the votes.

Mr. Cameron, from the committee on the Judiciary, to whom was referred the resolution of this house directing an inquiry into the expediency of laying off the state into eight judicial circuits, and the appointment of two additional Judges, reported a bill to amend an act, passed in 1806, entitled an act for the more uniform and convenient administration of justice within this state; which was read the first time, and passed.

Mr. Cameron presented the following resolution, to wit:

That Thomas Clancy, late sheriff of Orange county, be allowed the sum of forty-three dollars and twenty cents, for two hundred and sixteen insolvents, for the years 1819 and 1820, and that the public Treasurer pay the same, for which he shall be allowed in the settlement of his accounts.

Which was read the first time, and passed.

The engrossed bill to incorporate Golden Fleece Lodge, No. 74, in the town of Milton, and for other purposes, was read the second time, and, on motion of Mr. Cameron, the same was amended, by striking out the second section. On this question the yeas and nays were demanded by Mr. Williamson, which were as follows:

For striking out the second section, are Messrs. Albritton, Baker, of Brunswick, Baringer, Bray, Bethune, Baker, of Gates, Branch, Cameron, Devane, Graves, Hatch, Marshall, McKay, McLeary, Outlaw, Parker, Raiburn, Robinson, Richardson, Shober, Troy, Torrence, Williamson, Wade—yeas 24.

Against striking out the second section, are Messrs. Baird, Blackwell, Beasley, Culpepper, Davis, Flowers, Glisson, Hyman, Howell, Jordan, Jones, Lindsay, Miller, Person, Peebles, Spaight, Sullivan, Seawell, Vanhook, Williams, Wall—nays 21.

Thereupon the said bill, as amended, was read the second time, and passed.

Received from the House of Commons, a message, stating that they have passed a bill to compel the Clerks of the Superior Court of Law, and Court of Pleas and Quarter Sessions of Hyde county, to keep their offices near their Court House; and asking the concurrence of the Senate. And, thereupon, the said bill was read the first time, and passed.

The following engrossed bills, to wit: A bill for the better regulation of the County Courts of Rowan, and for other purposes; and a bill concerning the County Courts of Wake, Carteret, and Johnston; were severally read the second and third time, and passed, and ordered to be enrolled.

Mr. Lindsay presented a bill to appoint Commissioners to contract with Jeremiah Land, for twenty acres of land to erect a town upon, and for other purposes, which was read the first time, and passed.

The Senate entered on the orders of the day, and, on motion of Mr. Cameron, resolved itself into a committee of the whole, Mr. Spaight in th

chair, on the bill to establish Courts of Equity, separate from the Courts of Law, within this state; and after some time spent therein, the committee rose, reported progress, and obtained leave to sit again.

The Senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 7, 1822.

The Senate met.

On motion of Mr. Raiburn, a message was sent to the House of Commons, proposing to ballot for a Brigadier General of the 15th brigade.

On motion of Mr. Person, a message was sent to the House of Commons, proposing to ballot for a Treasurer, Comptroller, and public Printer, which was heretofore agreed by the two houses to take place this day, and appointing Mr. Wall and Mr. Person superintendants of the balloting on the part of the Senate.

Received from the House of Commons, a message, agreeing to ballot for Treasurer, Comptroller, and public Printer, as proposed by the Senate, and appointing Mr. Jiggitts and Mr. Robert A. Jones superintendants of the balloting on the part of that house.

Mr. Davis presented a bill to authorise the trustees of the Portsmouth Academy, in Carteret county, to raise, by lottery, one thousand dollars; and Mr. Williamson presented a bill to repeal, in part, an act of the General Assembly of this state, entitled an act directing the designation of hands, and how they shall be compelled to work under overseers of roads; hereafter, in the counties of Lincoln, Columbus, Burke, and Rockingham; which bills were read the first time, and passed.

Received from the House of Commons, a message, agreeing to ballot immediately for a brigadier general of the 15th brigade of militia, as proposed by the Senate; and appointing Mr. Hill and Mr. M'Kay superintendants of the balloting on the part of that House: whereupon, Mr. Blackwell and Mr. Raiburn were appointed superintendants on the part of the Senate.

The bill, declaring at what age a freeman shall be exempt from working on roads, was read the third time. Mr. Davis moved to amend the same, by inserting the word "*white*," after the word "*no*," in the 5th line; and Mr. Seawell moved that the said bill, together with the amendment under consideration, be indefinitely postponed; and the question thereon was determined in the affirmative.

Mr. Ward, from the committee of Claims, to whom was referred the claims of a number of citizens of Onslow and Jones counties, who were ordered into service during the year 1821, to prevent an insurrection of the slaves in said counties, reported the following resolution, to wit:

That the Treasurer, Comptroller, and Secretary of State, be, and they are hereby constituted a board, before whom all claims of the militia of Onslow and Jones, for services and supplies for the men called out to suppress an insurrection or rebellion in said counties, in the year 1821, shall be laid. Said board shall examine their accounts, and allow them for services and rations, as troops of the United States are allowed, when in actual service. The time of service not to exceed twenty-six days for the militia of Onslow, nor five days for those of Jones. Said board shall meet on the first day of May next, and act upon the claims until settled. They shall return a list of all claims they may allow, to the Treasurer, who shall pay the same to the person to whom the same may be allowed, or his attorney; and the Treasurer shall be allowed for the same, in the settlement of his public accounts.

Which resolution was read the first time and passed.

Mr. Person, from the committee appointed to conduct the balloting for Treasurer, Comptroller, and Public Printer, reported that John Haywood was duly elected Public Treasurer, Joseph Hawkins, Comptroller, and Thomas Henderson, Public Printer. Which report was concurred in.

Received from the House of Commons, a message, agreeing to the amendments made by the Senate to the bill to regulate the Courts of Pleas and Quarter Sessions, in the county of Cabarrus, except that part which proposes to add the county of Montgomery; to which they disagree. Whereupon, a message was sent to the House of Commons, in answer thereto; stating that the Senate *insist* on their amendment to the bill to regulate the Courts of Pleas and Quarter Sessions, in the county of Cabarrus, which proposes to add the county of Montgomery.

In conformity to notice heretofore given, his excellency Gabriel Holmes appeared, at 12 o'clock, in the hall of the House of Commons, both Houses being specially convened for that purpose; when the necessary oaths, prescribed by law, were administered to him by the honorable John L. Taylor, chief justice of the Supreme Court of this State.

After which the Senate returned to their chamber, for the purpose of legislation.

Mr. Carson presented the petition of sundry inhabitants of Burke county, praying that millers, in certain cases, be compelled to work on the public roads; which was referred to the committee of Propositions and Grievances.

The bill confirming certain grants therein mentioned, was read the second time; when Mr. McKay moved that the same be indefinitely postponed; and the question thereon was determined in the affirmative.

Mr. Blackwell, from the committee appointed to conduct the balloting for a brigadier general of the 15th brigade of militia, reported that no person in nomination had received a majority of the votes. Whereupon, on motion of Mr. Carson, a message was sent to the House of Commons, proposing a further balloting for that officer; and stating that the name of Mr. Fagan is withdrawn from the nomination.

The engrossed bill to compel the clerks of the Superior Court of Law and Court of Pleas and Quarter Sessions of Hyde county to keep their offices near their Court-House, was read the second time; when Mr. Jordan moved that the same be indefinitely postponed; and the question thereon was determined in the affirmative, and the House of Commons was informed thereof by message.

Mr. Graves presented a bill to amend an act passed in the year 1821, entitled an act to provide for the execution of process, where there shall be no proper sheriff to execute the same; which was read the first time and passed.

Mr. Person presented a bill establishing the Bank of North-Carolina; which was read the first time and passed; and, on motion of Mr. Jacocks, ordered to be printed, one copy for each member of the General Assembly.

The engrossed bill to incorporate Golden Fleece Lodge, No. 74, in the town of Milton, and for other purposes, was read the third time. Mr. Baker, of Gates, moved that the said bill lie upon the table; which was not agreed to. Mr. Lindsay then moved to amend the bill by inserting the following section: "And be it further enacted, that the said Master and Wardens be, and they are hereby authorised and empowered to raise

by way of Lottery or Lotteries, according to such scheme as they may think proper to devise, the sum of seven thousand five hundred dollars, for the purpose of erecting, in the said town of Milton, a suitable building for a Lodge House; and Mr. Baker, of Gates, moved that the Senate adjourn until to-morrow morning, 10 o'clock; which was agreed to, and the Senate adjourned accordingly.

MONDAY, DECEMBER 9, 1822.

The Senate met.

Mr. Jacocks, from the select committee to whom was referred the bill to encourage the apprehension of runaway slaves in the Great Dismal Swamp, reported the said bill, with sundry amendments, which were agreed to; and the same was announced as the order of the day for to-morrow.

Mr. Sumner presented the petition of sundry persons of color, of Hertford county, praying the repeal of an act of last session declaring slaves competent witnesses against free persons of color; which was referred to the committee on the Judiciary.

Mr. Culpepper presented the petition of Davis Etheredge, praying the passage of an act to restore him to credit; which was referred to the committee of Propositions and Grievances.

Received from the House of Commons, a message, stating that Mr. Ward and Mr. Blackledge are appointed superintendants of the balloting for a Senator to represent this state in the Congress of the United States, as heretofore agreed on to take place this day, and now attend the Senate to receive the ballots, and nominating for Senator the Honorable Bartlett Yancey, the Honorable John Branch, and the Honorable Montfort Stokes; and proposing that the committee wait on the sick members in their chambers to receive their ballots. Which proposition was agreed to by the Senate and Mr. M'Kay and Mr. Jones were appointed superintendants of the said balloting.

Received from the House of Commons, a message, consenting to ballot for a Brigadier General of the 15th brigade of militia, and appointing Mr. Nixon and Mr. Thornton superintendants of the balloting on the part of that house; and thereupon, Mr. Lindsay and Mr. Legrand were appointed superintendants on the part of the Senate.

Mr. Wall presented a bill to regulate the patrol of Richmond county; which was read the first time, and passed; and, on motion of Mr. Williamson, referred to the Judiciary committee, with instructions to inquire into the expediency of reporting a general bill on the subject.

Received from the House of Commons, a message, stating that they have passed a bill to appoint commissioners to assess the damages sustained by individuals from the establishment of Horton turnpike road; also, a resolution in favor of Alexander Carroll; and asking the concurrence of the Senate. Thereupon the said bill was read the first time, and passed; and the resolution in favor of Alexander Carroll was read and adopted, and ordered to be enrolled.

Mr. Baker, of Gates, presented a bill requiring judgments of Justices of the Peace to be returned to the Clerk of the County Court; and Mr. Culpepper presented a bill to amend an act, passed in the year 1817, entitled an act concerning promissory notes and other negotiable instruments; which bills were referred to the committee on the Judiciary.

Mr. Lindsay, from the committee appointed to conduct the balloting for a Brigadier General of the 15th brigade of militia, reported that William D. Smith was duly elected; which report was concurred in.

Mr. Greene presented the petition of Moses Grisham, praying a military land warrant for services rendered in the revolutionary war; which was referred to the committee on Military Land Warrants.

Received from the House of Commons, a message, stating that they have passed a resolution in favor of the heirs of Joseph Cunningham; sen. and asking the concurrence of the Senate. Thereupon the said resolution was read the first time, and passed; and, on motion of Mr. Seawell, was referred to the committee of Claims.

Mr. M'Kay, from the committee appointed to conduct the balloting for a Senator to represent this state in the Congress of the United States, reported, that no person in nomination had received a majority of the votes.

Received from the House of Commons, a message, proposing to ballot immediately for a Senator to represent this state in the Congress of the United States; which was read and agreed to by the Senate.

The bill to repeal, in part, an act of the General Assembly of this state, entitled an act directing the designation of lands, and how they shall be compelled to work, under overseers of roads, hereafter, in the counties of Lincoln, Columbus, Burke, and Rockingham; also, the act to appoint commissioners to contract with Jeremiah Land, for twenty acres of land, to erect a town upon, and for other purposes; were read the second time; and the last mentioned bill amended, on motion of Mr. Lindsay, by inserting the word "*three*" in the tenth line of the 9th section. Thereupon the said bills passed the second time.

The engrossed bill to incorporate Golden Fleece Lodge, No. 74, in the town of Milton, and for other purposes, was read the third time; and the amendment proposed by Mr. Lindsay being under consideration, to wit: "And be it further enacted that the said master and wardens be, and they are hereby authorised and empowered to raise; by way of lottery or lotteries, according to such scheme as they may think proper to devise, the sum of seven thousand five hundred dollars, for the purpose of erecting in the said town of Milton, a suitable building for a Lodge House;" which amendment was not agreed to. The question then recurred on the passage of the said bill the third time, which was determined in the affirmative; and a message was sent to the House of Commons, stating the passage of the said bill, with an amendment, striking out the whole of the second section, and asking the concurrence of that house in the said amendment.

The bill to authorise the trustees of the Portsmouth Academy, in Carteret county, to raise by lottery one thousand dollars, was read the second and third time, and passed, and ordered to be engrossed.

Received from the House of Commons, a message, stating that Mr. Broadnax and Mr. Edward E. Graham are appointed on the part of that house superintendants of the balloting for a Senator of this state in the Congress of the United States; and thereupon, Mr. Sumner and Mr. Jones are appointed superintendants on the part of the Senate.

Mr. Baird presented a bill to repeal the fourth section of an act, passed in the year 1810, entitled an act to establish the mode of elections, in future, in the county of Buncombe; Mr. M'Leary presented a bill to incorporate the Mecklenburg Agricultural Society; and Mr. Graves presented

a bill to appoint commissioners, and to incorporate the town of Huntsville, in the county of Surry; which bills were severally read the first time, and passed.

On motion of Mr. Cameron, the Senate proceeded to the consideration of the resolution in favor of Thomas Clancy; and the same being read, Mr. Seawell moved to strike out that part which relates to an allowance for insolvents for 1819; which was not agreed to. The question then recurred on the passage of the said resolution the second time, and the question thereon was determined in the affirmative; and thereupon, the said resolution was read the third time, and passed, and ordered to be engrossed.

Mr. Sumner, from the committee appointed to conduct the balloting for a Senator of this state in the Congress of the United States, reported, that no person in nomination had received a majority of the votes.

The resolution appointing the Treasurer, Comptroller, and Secretary of State, a board before whom all claims of the militia of Onslow and Jones for services and supplies for the men called out to suppress an insurrection, or rebellion, in said counties, in the year 1821, shall be laid, was read the second time, and passed.

The resignations of D. Brown, of Burke county, and John M'Leod, of Moore county, Justices of the peace, were read and accepted.

The Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 10, 1822.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed the bill to authorise the trustees of Portsmouth Academy, in Carteret county, to raise by Lottery one thousand dollars; and a resolution in favor of Thomas Clancy; in which they ask the concurrence of that House.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the petition of Mildred Gibson, praying for the passage of an act to secure to her such property as she may hereafter acquire, made a report unfavorable to the prayer of the petitioner; which report was concurred in.

Mr. Shober, from the same committee, to whom was referred the petition of Jesse Moore, and others, of the county of Burke, made a report unfavorable to the prayer of the petitioners; which was concurred in.

Received from the House of Commons, a message, proposing to ballot immediately for a Senator to represent this state in the Congress of the United States; which proposition was agreed to by the Senate, and Mr. Troy and Mr. Jones were appointed superintendants of the said balloting.

Received from the House of Commons, a message, stating that Mr. Robert A. Jones and Mr. Hill attend the Senate as a committee, on the part of that house, to conduct the balloting for a Senator to represent this state in the Congress of the United States, and proposing that the committee wait on the absent sick members in their rooms, and receive their ballots; which proposition was agreed to by the Senate.

Received from the House of Commons, a message, stating that they recede from their non-concurrence with the amendments made by the Senate to the bill to regulate the Courts of Pleas and Quarter Sessions in the county of Cabarrus; and thereupon, the said bill was ordered to be enrolled.

JOURNALS

OF THE

Senate and House of Commons

OF THE

GENERAL ASSEMBLY

OF

THE STATE OF NORTH-CAROLINA,

AT ITS SESSION IN 1822.

TRANSMITTED ACCORDING TO LAW TO

G. Outlaw, Esq.

One of the Members of the General Assembly, for the County of

Berke.

RALEIGH:

PRINTED BY BELL & LAWRENCE.

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1823.

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1822

Lindsay Pullison Plate

The resolution in favor of John Massey or his representatives, was returned from the House of Commons, endorsed, "Read and concurred with;" and the same was thereupon ordered to be enrolled.

The bill to appoint commissioners to contract with Jeremiah Land, for twenty acres of land, to erect a town upon, and for other purposes, was read the third time, and passed, and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed a bill for the better regulation and discipline of the militia of Ashe county; also, a bill to incorporate a male and female academy on the lands of Thomas Cotterell, in the county of Warren, by the name and under the title of the Shady Grove Academy; also, a bill supplemental to an act passed at the present General Assembly, entitled an act for the division of Rowan county; and asking the concurrence of the Senate. Whereupon the said bills were severally read the first time, and passed; and the last mentioned bill, on motion of Mr. Shober, was referred to a select committee, consisting of Messrs. Shober, Spurgen, Graves, Carson, and Person.

Mr. M'Kay, from the select committee to whom was referred sundry bills providing for the appointment of committees of finance in certain counties therein named, with instructions either to report a bill extending to all the counties, or to consolidate the said bills, reported a bill to authorise the County Courts of Pleas and Quarter Sessions of Chatham, Ansen, Iredell, Rockingham, Randolph, Perquimons, Halifax, Chowan, Carteret, Columbus, and Bladen, to appoint a committee of finance, which was read the first and second time, and passed.

The bill to repeal part of the fourth section of an act, passed in the year 1810, entitled an act to establish the mode of elections, in future, in the county of Buncombe; the bill to appoint commissioners, and to incorporate the town of Huntsville, in the county of Surry; and the bill to incorporate the Mecklenburg Agricultural Society; were severally read the second time, and passed.

The following bills were presented, to wit: By Mr. Wade, a bill directing in what manner lands and slaves under execution shall be sold, in future, in the county of Randolph; Mr. Barringer, a bill pointing out the duties of Justices of the Peace and constables, in future, in this state; Mr. M'Kay, a bill to authorise the County Courts to require administrators and others, to give other or counter security upon the petition of their sureties; and, a bill giving exclusive jurisdiction to the Superior Court of Bladen, of pleas and prosecutions of the state; which bills were severally read the first time, and passed; and, on motion of Mr. Barringer, the above mentioned bill pointing out the duties of Justices of the Peace and constables, in future, in this state, was referred to the committee on the Judiciary.

Mr. Sneed presented the petition of John Howell, of Granville county, praying to be restored to credit, which was referred to the committee of Propositions and Grievances.

Mr. Jones, from the committee appointed to conduct the balloting for a Senator of this state, in the Congress of the United States, reported, that no person in nomination had received a majority of the votes.

The resolution appointing the Treasurer, Comptroller, and Secretary of State, a board before whom all claims of the militia of Onslow and Jones, for services and supplies for the men called out to suppress an insurrection, or rebellion, in said counties, in the year 1824, shall be laid, was read the

third time, and passed. Thereupon, Mr. M'Kay moved that the Senate reconsider the said resolution, with a view to amend the same; and the question thereon was determined in the affirmative; and the said resolution being reconsidered, and still under consideration, Mr. M'Kay moved an amendment, to extend the provisions thereof to similar claims from Bladen county; which amendment was agreed to. The question then recurred on the passage of the said resolution the third time, as amended, which was also determined in the affirmative, and the same was ordered to be engrossed. On the passage of the said resolution the third time, the yeas and nays were demanded by Mr. Culpepper, which are as follows:

For the passage of the said resolution, are Messrs. Albritton, Baker, of Brunswick, Brownrigg, Baker, of Gates, Branch, Boddie, Cameron, Calloway, Davis, Glisson, George, Graves, Houze, Hatch, Jordan, Jacocks, Lindsay, M'Kay, Miller, Peebles, Richardson, Spaight, Sneed, Sumner, Shober, Williams, Whitfield, Ward—yeas 28.

Against the passage of the said resolution, are Messrs. Beard, Barringer, Bray, Bethune, Blackwell, Beasley, Culpepper, Flowers, Greene, Hyman, Howell, Jones, Legrand, Marshall, M'Leary, Outlaw, Parker, Raiburn, Robinson, Sullivan, Seawell, Torrence, Vanhook, Williamson, Wade, Wall—nays 26.

The resignations of Thomas V. Hargis, Justice of the Peace of Person county; Philip Alston, Justice of the Peace of Chatham county; Samuel Chunn, Colonel Commandant of the cavalry of the 15th brigade of militia; and James Sharp, Major of cavalry in the 8th brigade of militia; were severally read and accepted.

The Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 11, 1822.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill to appoint commissioners to contract with Jeremiah Land, for twenty acres of land to erect a town upon, and for other purposes; and a resolution appointing the Treasurer, Comptroller, and Secretary of State, a board, &c. in which they ask the concurrence of that house.

The Speaker laid before the Senate, a letter from his excellency the Governor, accompanied with the Annual Report of the Board of Internal Improvement, in this state, together with the several Reports of Hamilton Fulton, esq. State Engineer; and thereupon it was resolved, on motion of Mr. Baker, of Gates, that the Board for Internal Improvement be requested to have printed, for the use of each Member of Assembly, four copies of the Annual Report of said board, and of the several Reports of Mr. Fulton accompanying the same.

Mr. Branch, from the committee on Internal Improvement, to whom was referred a resolution directing them to inquire into the nature and extent of the contract existing between the state and Hamilton Fulton, Engineer, reported a letter from his excellency the Governor, on the subject to them referred; and the same being read, Mr. M'Kay moved that the report above mentioned, be recommitted to the same committee, with instructions to report, specially, the contract existing between the Board of Internal Improvement and the Civil Engineer; which was agreed to.

On motion of Mr. Glisson, a message was sent to the House of Commons, proposing to ballot immediately for a Senator of this state, in the Congress of the United States; and a message was received from the House of Commons, in answer thereto, agreeing to ballot, as proposed by the Senate,

and appointing Mr. Burgin and Mr. Garey as superintendants of the balloting on the part of that house. Thereupon, Mr. Person and Mr. Glisson were appointed superintendants on the part of the Senate.

Mr. Ward, from the committee of Claims, to whom was referred a resolution directing the Secretary of State to issue to Joseph M'Gee, a grant therein mentioned, reported the following resolution :

That the Secretary of State be, and he is hereby directed to issue to Joseph M'Gee, a grant for one hundred and fifty acres of land, entered in the office of James Matthews, Entry Taker of Moore county, bearing date the 25th of November, 1788, No. 167, as appears by the entry on the books in the Secretary's office, and also by a duplicate warrant issued by M. Martin, E. T. for the aforesaid county, in compliance with an order to him directed from the Court of Pleas and Quarter Sessions, held for the county of Moore, which said duplicate warrant bears date the 16th of May, A. D. 1820.

Which was read and agreed to, and ordered to be engrossed.

Mr. Troy presented the following resolution :

That the committee on Internal Improvement be instructed to inquire into the expediency of appropriating a sum not exceeding five hundred dollars, from the fund set apart for Internal Improvement, for the purpose of clearing out and rendering navigable Waccamaw River, in Columbus county, from the Waccamaw Lake to the South Carolina line ; and that they report by bill, or otherwise.

Which was agreed to.

Mr. Williams presented the petition of sundry inhabitants of the town of Washington, in the county of Beaufort, praying for the organization of one or more Fire Engine Companies, together with a bill to carry the prayer of the petitioners into effect ; which was referred to the committee of Propositions and Grievances.

Mr. Glisson, from the committee appointed to conduct the balloting for a Senator of this state, in the Congress of the United States, reported, that no person in nomination had received a majority of the votes.

The following bills were presented, to wit : By Mr. Lindsay, a bill to prevent the fire-hunting of fowl, in Currituck county ; Mr. Devane, a bill to alter the place of holding regimental and battalion musters in the county of New-Hanover ; and Mr. Brownrigg, a bill for the better regulation of the militia of this state ; which bills were severally read the first time, and passed.

On motion of Mr. Cameron, the Senate resolved itself into a committee of the whole, Mr. Spaight in the chair, on the bill to establish Courts of Equity, separate from the Courts of Law, in this state ; and after some time spent therein, the committee rose, reported progress, and asked leave to sit again, which was refused ; and thereupon, the said bill was made the order of the day for Saturday next.

The bill authorising Courts of Pleas and Quarter Sessions to take one bond only of a guardian, to two or more minors, holding property in common, was read the second time, and passed ; and the said bill being read the third time, was amended, on motion of Mr. M'Kay, by inserting in the 8th line of the first section the words "*should the said court deem it proper ;*" and the same, as amended, was passed the third time, and ordered to be engrossed.

The engrossed bill to appoint commissioners to assess the damages sustained by individuals from the establishment of Horton's Turnpike Road, was read the second and third time, and passed, and ordered to be enrolled.

The Speaker laid before the Senate the resignation of Abraham Dardan, the Senator elect from the county of Greene; whereupon, it was ordered that a writ of election issue to the sheriff of Greene county, commanding him to hold an election at the several places appointed by law, in said county, for the purpose of choosing a person duly qualified to represent said county in the Senate, on Thursday, the 19th day of this month; which writ was issued accordingly.

The Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 12, 1822.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill authorising Courts of Pleas and Quarter Sessions to take one bond only of a guardian, to two or more minors, holding property in common; and a resolution in favor of Joseph M'Gee, of Moore county; in which they ask the concurrence of that house.

Received from the House of Commons, a message, of the date of yesterday, proposing to ballot immediately for a Senator to represent this state, in the Congress of the United States; which proposition was not agreed to; and, on motion of Mr. Jacocks, a message was sent to the House of Commons, proposing that a balloting take place for that purpose, by the two houses, on this day.

Received from the House of Commons, a message, of the date of yesterday, proposing that the two houses, at their meeting this day, proceed to ballot for a Major General of the second division of the militia; and nominating for that appointment James M'Kay, esquire; which proposition was agreed to, and the name of Benjamin H. Covington added to the nomination.

Received from the House of Commons, a message, proposing to ballot immediately for one commissioner of Internal Improvement, to supply the vacancy in the Board occasioned by the resignation of William J. Cowan, and nominating Major John Owen for that appointment; which proposition to ballot was agreed to by the Senate.

Mr. Outlaw, from the committee to whom was referred resolutions instructing them to inquire into the expediency of making a new arrangement in the Congressional Districts of this state, made a report thereon, stating the federal numbers; which report was ordered to lie on the table, and that the same be printed, one copy for each member of the General Assembly.

Mr. Ward, from the committee of Claims, to whom was referred the petition of Ferrence Pelletier, and others, praying for compensation to be made to them for services performed in the year 1821, in the militia called out to suppress and apprehend runaway negroes, in Carteret county, reported the following resolution:

That the Treasurer, Comptroller and Secretary of State, be constituted a board before whom all claims shall be laid, of the militia of Carteret county, for services and supplies for the men called out to suppress an insurrection, or rebellion, in said county, in the year 1821. The board shall examine their accounts, and allow them for services and rations as troops of the United States are allowed, when in actual service; the time of service not to exceed twenty-one days. The said board shall meet on the first day of May next, and act upon the claims until settled. They shall return a list of all the claims they may allow, to the Treasurer, who shall pay the same to the person to whom the same may be allowed, or his attorney; and the Treasurer shall be allowed the same in the settlement of his public accounts.

Which resolution being read, it was resolved by the Senate that the same shall not pass.

Received from the House of Commons, a message, proposing that the two houses proceed to ballot for Counsellors of State, for the ensuing year; which proposition was not agreed to. Thereupon, on motion of Mr. Spaight, a message was sent to the House of Commons, proposing to ballot for Counsellors of State, at the meeting of the two houses to-morrow morning.

Received from the House of Commons, a message, agreeing to ballot immediately for a Senator to represent this state, in the Senate of the United States; and appointing Mr. Love and Mr. Speight a committee to conduct the balloting on the part of that house, which was agreed to. Thereupon, Mr. Person and Mr. Shober were appointed on the part of the Senate.

Received from the House of Commons, a message, stating that they have appointed Mr. Robert A. Jones and Mr. Hill superintendants of the balloting on the part of that house, for a commissioner of the Board of Internal Improvement; and that they have added the name of James M. Nixon to the nomination for that appointment. Thereupon, Mr. Sumner and Mr. McKay were appointed superintendants on the part of the Senate.

Mr. Shober, from the committee appointed to conduct the balloting for a Senator of this state, in the Congress of the United States, reported, that no person in nomination had received a majority of votes.

Received from the House of Commons, a message, stating that Mr. McKay and Mr. McLellan are appointed superintendants of the balloting for a major general of the second division of militia; and now attend to receive the ballots; and thereupon Mr. Vanhook and Mr. Sneed were appointed on the part of the Senate.

Mr. Shober, from the committee to whom was referred the engrossed resolution in favor of John Minnis, placing him on the pension list of this State, reported the following resolution:

Resolved, That it is inexpedient to adopt John Minnis as a pensioner of this state.

And, on motion of Mr. Cameron, it was resolved by the Senate, that they do not concur therewith. The question then recurred on the adoption of the engrossed resolution, which was referred to the said committee, to wit:

Resolved, That John Minnis, of the county of Orange, be allowed the sum of sixty dollars, to be paid him annually, in advance, from any unappropriated monies in the treasury, and that the same be allowed the treasurer in the settlement of his accounts.

And the question, "shall the said resolution pass the second time?" was determined in the affirmative. And thereupon, the said resolution was read the third time and passed, and ordered to be enrolled. On the passage of the said resolution the third time, the yeas and nays were demanded by Mr. Wade, which are as follows, to wit:

For the passage of the resolution:—Messrs. Baker, of Brunswick, Brownrigg, Bethune, Baker, of Gates, Beasley, Carson, Culpepper, Cameron, Calloway, Devane, Greene, Graves, Houze, Hatch, Hyman, Jacocks, Marshall, McLeary, Outlaw, Parker, Raiburn, Robinson, Spaight, Torrence, Whitfield, Williamson, Ward—yeas 27.

Against the passage of the resolution, are Messrs. Albritton, Barringer, Bray, Branch, Blackwell, Davis, Flowers, Glisson, Howell, Jordan, Jones, Legrand, Miller, Richardson, Sullivan, Seawell, Troy, Williams, Wade, Wall—nays 20.

Received from the House of Commons, a message, stating that they have passed a resolution in favor of the heirs of Joseph Green, deceased.

and asking the concurrence of the Senate. Thereupon, the said resolution was read and adopted, and ordered to be enrolled.

Mr. Ward, from the committee of Claims, to whom was referred the resolution of Griffith I. White, sheriff of Bladen county, made a report, recommending the adoption of the said resolution; which was agreed to; and the said resolution was read the first time and passed.

The following bills were presented: by Mr. Whitfield, a bill to appoint commissioners for the town of Kinston, in the county of Lenoir, and to enlarge their powers; and a bill to appoint trustees for the Kinston Academy, and to regulate the same; Mr. Spaight, a bill to authorise the building of a Toll Bridge over Dan River, in the county of Caswell, near Milton, and to incorporate a company for that purpose; and Mr. Jones, a bill to extend and improve the two State Roads, leading from Wilkesborough to the Tennessee line; which bills were severally read the first time, and passed; and the last mentioned bill was, on motion of Mr. Jones, referred to the committee on Internal Improvement.

Mr. Vanhook, from the committee appointed to conduct the balloting for a Major General of the second division of militia of this state, reported, that James J. M'Kay was duly elected; which report was concurred in.

Mr. Sumner, from the committee appointed to conduct the balloting for a commissioner of the Board of Internal Improvement, reported, that John Owen was duly elected; which was concurred in.

Received from the House of Commons, a message, proposing that another balloting take place immediately for a Senator of this state, in the Congress of the United States; which proposition was not agreed to.

Received from the House of Commons, a message, proposing to ballot for a Colonel of cavalry attached to the 8th brigade of militia, and nominating for that appointment Matthew Young and James Sharp; which proposition was agreed to by the Senate.

Mr. Spaight presented the following resolution:

That the committee on the Judiciary be instructed to inquire into the expediency of amending an act, passed in 1820, entitled an act further pointing out the duties of guardians, so as not to require such guardians, whose bonds are good and solvent, to renew them every three years; and to prevent costs from being collected from those who have to renew their bonds.

Which was agreed to.

Mr. Seawell presented the petition of sundry inhabitants of the city of Raleigh, praying for permission to remove the Baptist church to one of the public squares; which was referred to the committee of Propositions and Grievances.

Mr. Graves presented the petition of Peter Nance, praying a duplicate military land warrant; which was referred to the committee on Military Land Warrants.

Mr. M'Kay presented a bill to regulate, in part, the practice in the County and Superior Courts; which was read the first time, and passed.

Mr. Ward, from the committee of Claims, to whom was referred the resolution from the House of Commons in favor of the heirs of Joseph Cunningham, senior, made a report thereon, containing a statement of facts. Whereupon the said resolution was read the second time, when it was resolved by the Senate that the same shall not pass. On the passage of the resolution the yeas and nays were demanded by Mr. Davis, which are as follows:

For the passage of the resolution, are Messrs. Baker, of Brunswick, Baird, Bray, Brownrigg, Bethune, Baker, of Gates, Branch, Boddie, Beasley, Culpepper, Cameron, Devane, George, Greene, Houze, Hatch, Jacocks, Marshall, Robinson, Sneed, Shober, Whitfield, Wade, Wall—yeas 24,

Against the passage of the resolution, are Messrs. Albritton, Barringer, Blackwell, Carson, Cailoway, Davis, Flowers, Glisson, Graves, Hyman, Howell, Jordan, Lindsay, Legrand, McKay, McLeary, Miller, Outlaw, Parker, Person, Raiburn, Richardson, Spaight, Sumner, Sullivan, Seawell, Troy, Torrence, Vanhook, Williams, Williamson—nays 31.

The Senate entered upon the orders of the day, when the bill to amend an act, passed in 1807, entitled an act to regulate the charges of sheriffs, coroners, constables, and other officers, in certain cases, was read the second time. Mr. Brownrigg moved to strike out the words "*twelve and an half*," in the 19th line of the second section. Mr. Person called for a division of the question, and the question for striking out was determined in the negative. The question then recurred on the passage of the said bill the second time, which was determined in the affirmative; and thereupon, the said bill was read the third time, and passed, and ordered to be engrossed.

The Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 13, 1822.

The Senate met.

A message was sent to the House of Commons, stating that they have passed a bill to amend an act, passed in 1807, entitled an act to regulate charges of sheriffs, coroners, constables, and other officers, in certain cases; and asking the concurrence of that house.

Mr. Raiburn presented a resolution directing our Senators in Congress, and requesting our Representatives, to use their best endeavors to obtain from the General Government the adoption of such measures as are best calculated to effect the complete extinguishment of the claims of the Cherokee Indians, to all their lands lying within the limits of this state, and requesting the Governor of this state to transmit a copy of the said resolution to each of the Senators and Representatives of this state, in the Congress of the United States; which resolution was read and adopted, and ordered to be engrossed.

Received from the House of Commons, a message, stating that Mr. Watson and Mr. Cox attend the Senate as superintendants of the balloting on the part of that house for a Colonel of cavalry attached to the 8th brigade of militia; and thereupon, Mr. Blackwell and Mr. Richardson were appointed superintendants of the said balloting on the part of the Senate.

Mr. Glisson moved to reconsider the engrossed resolution, which was rejected by the Senate on the 12th instant, in favor of the heirs of Joseph Cunningham, sen. and the question to reconsider the same was determined in the affirmative; and, on motion of Mr. Glisson, the said resolution was referred to a select committee, consisting of Messrs. Glisson, Seawell, Cameron, Troy, and Barringer.

Received from the House of Commons, a message, proposing to ballot immediately for a Senator to represent this state, in the Senate of the United States: which proposition was not agreed to.

Mr. Barringer presented the following resolution, to wit:

Whereas, from the frequent ballotings for a Senator in the Congress of the United States, it appears highly improbable that any person will be elected who may unite

the approbation of a majority of the good people of this state; *Resolved, therefore*, that the further balloting for a Senator to represent this state, in the Congress of the United States, be postponed until the next session of the General Assembly of this state.

Which resolution was not agreed to. On which question the yeas and nays were demanded by Mr. Glisson, which are as follows:

For the passage of the said resolution, are Messrs. Barringer, Bray, Bethune, Blackwell, Cameron, Calloway, Davis, Greene, Legrand, Marshall, M'Kay, M'Leary, Miller, Outlaw, Parker, Raiburn, Shober, Seawell, Torrence, Vanhook, Williamson, Wade, Wall—yeas 22.

Against the passage of the said resolution, are Messrs. Albritton, Baker, of Brunswick, Baird, Brownrigg, Baker, of Gates, Boddie, Beasley, Carson, Culpepper, Devane, Flowers, Glisson, George, Houze, Hatch, Hyman, Howell, Jordan, Jacocks, Jones, Lindsay, Person, Peebles, Richardson, Robinson, Spaight, Sneed, Sumner, Sullivan, Troy, Williams, Whitfield, Ward—nays 33.

On motion of Mr. Person, Mr. M'Kay, the Senator from the county of Bladen, obtained leave of absence from the services of this house, from and after this day, until Wednesday next.

Mr. Blackwell, from the committee appointed to conduct the balloting for a Colonel of cavalry attached to the 8th brigade of militia, reported, that Matthew Young was duly elected; which report was concurred in.

Mr. Vanhook presented a resolution instructing the Military committee to inquire into the expediency of having the military laws, heretofore passed, and all that may be passed on that subject, at the present session, stitched up in pamphlet form, and sent with the Acts of Assembly, one copy for each field officer and captain in this state; which was agreed to.

Mr. Boddie presented the petition of Etheldred Dance, praying that the Secretary of State be directed to issue to him a military land warrant; which was referred to the committee on Military Land Warrants.

Mr. Branch, from the committee on Internal Improvement, to whom was referred the subject of inquiring into the nature and extent of the contract existing between the Board of Internal Improvement and Hamilton Fulton, the Civil Engineer, reported a copy of the said contract, which was ordered to lie on the table.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the petition of Davis Etheridge, reported a bill to restore Davis Etheridge, of the county of Camden, to credit; which was read the first time, and passed.

Mr. Shober, from the said committee, to whom was referred the petition of John Howell, of Granville county, praying to be restored to credit, made a report unfavorable to the prayer of the petitioner; which was concurred in.

Mr. Shober, from the same committee, to whom was referred the petition of Jesse Hulsey, praying for a pension, made a report unfavorable to the prayer of the petitioner; which, on motion, was ordered to lie on the table.

The Senate entered upon the orders of the day, and resolved itself into a committee of the whole, Mr. Person in the chair, on the bill to provide a revenue for the payment of the civil list and contingent charges of government, for the year 1823. After some time spent therein, the Speaker resumed the chair, and Mr. Person, reported, that the said committee had made sundry amendments thereto, which were reported to the house. Mr. Cameron moved that the further consideration of the said bill be postponed until to-morrow, which was agreed to; and the Senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 14, 1822.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a resolution instructing our Senators, and requesting our Representatives in Congress, relative to the extinguishment of the claims of the Cherokee Indians, to certain lands, and asking the concurrence of that house.

Mr. Cameron, from the committee on the Judiciary, to whom was referred a bill to amend an act, passed in the year 1817, entitled an act concerning promissory notes, and other negociable instruments, reported the said bill without amendment; and thereupon the said bill was read the second time, and, on motion, was indefinitely postponed.

Mr. Cameron, from the same committee, to whom was referred the resolution directing an inquiry into the expediency of passing a law respecting the issuing of grants on surveys, including the margins and beds of rivers only, returned the same, and moved that the committee be discharged from the further consideration of the subject; which was agreed to.

Mr. Cameron, from the same committee, to whom was referred the bill to regulate the patrol of Richmond county, with instructions to inquire into the expediency of reporting a general bill on the subject, reported the said bill without amendment; and stated the inexpediency of passing a general bill on the subject. Thereupon the said bill was read the second time, and passed.

Mr. Glisson, from the select committee, to whom was referred the engrossed resolution in favor of the heirs of Joseph Cunningham, sen. reported the same, with a statement of facts thereon; which was ordered to lie on the table.

The Report of the Board for Internal Improvement to the present session of the General Assembly, together with the Reports of Hamilton Fulton, Civil Engineer, was returned from the House of Commons, endorsed in that house, "Referred to the committee on Internal Improvement, and ordered to be printed, as proposed by the Senate."

Received from the House of Commons, a message, proposing that a balloting take place this morning for a Senator to represent this state, in the Senate of the United States; which proposition was agreed to by the Senate; and a message was sent to the House of Commons, stating that the name of the honorable Bartlett Yancey is withdrawn from the nomination.

Mr. Shober, from the committee to whom was referred the petition of James Grisswold and wife, praying that the Secretary of State be directed to issue a grant, as therein mentioned, reported a resolution directing the Secretary of State to issue to the heirs at law of James Green, deceased, that is to say, to Susannah Grisswold, wife of James Grisswold, and daughter of said Green, and to the other heirs at law of said Green, if any there be, a grant for one hundred acres of land in Wayne county, entered by James Green upon warrant No. 789, dated 12th of August, 1797, upon a survey made the 11th of December, 1798; which resolution was read and adopted, and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed the engrossed bill from the Senate, entitled a bill to amend an act, passed in 1810, entitled an additional act to an act entitled Feme Coverts how to pass lands, with the following amendments, to wit: to strike out

the words "*may have been or*," in the 7th line of the enacting section ; the words "*and shall have been or*," in the 13th line ; also, the words "*having been or*," in the 21st and 22nd lines ; also, the word "*was*," in the 31st line ; also, the words "*having been or*," in the 38th line ; also, the words "*may have been or*," in the 41st and 42nd lines ; and the words "*having been registered*," in the 45th and 46th lines ; and asking the concurrence of the Senate ; which amendments were read and agreed to, and the House of Commons was informed thereof by message.

Received from the House of Commons, a message, stating that Mr. Williamson and Mr. Graves are appointed superintendants of the balloting for a Senator to represent this state, in the Congress of the United States, and attend the Senate to receive the ballots. Thereupon, Mr. Sneed and Mr. George were appointed superintendants of the said balloting on the part of the Senate ; and a message was sent to the House of Commons, proposing that the superintendants be directed to wait on the sick members in their chambers, to receive their ballots ; and a message was received from the House of Commons, agreeing to the said proposition.

Mr. Graves presented a resolution instructing the Military committee to inquire into the expediency of so amending the militia laws, that some certain system of uniformity may be established in the uniform of the several militia officers of this state, and that they report by bill, or otherwise ; which was agreed to.

Mr. Shober presented the petition of George Ray, and others, of the county of Stokes, praying for the passage of a law authorising the sheriff of said county, for the time being, to collect the arrears of taxes due in said county to a former sheriff ; which was referred to the committee of Propositions and Grievances.

Received from the House of Commons, a communication from his excellency the Governor, on the subject of erecting a light house on the island of Ocracock ; and transmitting the annual return of the Adjutant General of the militia of this state ; and also, the resignations of sundry Justices of the Peace, and militia officers ; which being read, it was ordered that the part thereof which relates to the Adjutant General's report, and the report itself, be referred to the Military committee ; and that so much thereof as relates to the cession of land on Ocracock Island to the United States, be referred to a select committee, consisting of Messrs. Miller, Jacocks, Wall, Legrand, and Lindsay.

Received from the House of Commons, a message, stating that they have passed a bill to appoint commissioners to view and lay off the road leading across the mountain, from the town of Wilkesborough, to Mrs. Bogle's, in Iredell ; also, a bill directing the time and place of selling lands and slaves under execution ; and also a resolution in favor of Samuel Whitaker ; in which they ask the concurrence of the Senate. Thereupon, the said bills and resolution were read the first time, and passed.

The bill for the better preservation of health in the city of Raleigh was read the second time ; and, on motion of Mr. Miller, was referred to the committee on the Judiciary.

The bill to repeal, in part, an act of the General Assembly of this state, entitled an act directing the designation of hands, and how they shall be compelled to work under overseers of roads, hereafter, in the counties of Lincoln, Columbus, Burke, and Rockingham, was read the third time, and passed, and ordered to be engrossed.

Mr. Baker presented a bill to cede to the United States all that part of the river Chowan, between Sandy Point, and the mouth of Bennett's creek; which was read the first time, and passed.

Received from the House of Commons, a message, stating their concurrence in the amendment made by the Senate to the engrossed bill to incorporate Golden Fleece Lodge, No. 74, in the town of Milton, and for other purposes; and thereupon the said bill was ordered to be enrolled.

Mr. Raiburn moved to dispense with so much of the 12th Rule of Order, adopted for the government of the Senate, at this session, as requires that a motion to reconsider a question once decided, shall be made on the same, or succeeding day, as far as the same relates to the reconsideration of the resolution reported by the committee of Propositions and Grievances, on the petition of Henry Smith; and the question thereon was determined in the affirmative. Mr. Raiburn then moved to reconsider the said resolution, which was agreed to. The resolution being reconsidered, the question recurred on the passage of the same, which is in the following words:

Resolved, That the prayer of the petitioner be not allowed.

And the question thereon was determined in the affirmative. The yeas and nays on this question being demanded by Mr. Raiburn, were as follows:

For the passage of the said resolution, are Messrs. Albritton, Bray, Branch, Boddie, Blackwell, Davis, Devane, Flowers, Glisson, Hyman, Jordan, Jacocks, Jones, Miller, Person, Peebles, Richardson, Robinson, Spaight, Sumner, Sullivan, Spurgen, Shober, Seawell, Troy, Vanhook, Williams, Whitfield, Ward, Wade—yeas 30.

Against the passage of the said resolution, are Messrs. Baker, of Brunswick, Baird, Barringer, Brownrigg, Bethune, Baker, of Gates, Beasley, Carson, Culpepper, Cameron, Calloway, Greene, Graves, Houze, Hatch, Howell, Lindsay, Legrand, Marshall, M'Leary, Outlaw, Parker, Raiburn, Torrende, Williamson, Wall—nays 26.

A bill to provide a revenue for the payment of the civil list and contingent charges of government for the year 1823, was taken up, and the several amendments reported by the committee of the whole were agreed to, except filling the blank with "*one thousand dollars*," as a tax imposed upon brokers; which amendment was not agreed to. Thereupon, Mr. Person moved to fill the blank with two hundred dollars; which was agreed to. Mr. Seawell then moved to add the 14th section; which was also agreed to, and is in the following words:

And be it further enacted, by the authority aforesaid, That it shall be the duty of the several clerks in this state, in making out the lists of taxable property for the sheriffs, to designate in such lists the separate amount of taxes due and accruing from each species of property; and, in addition thereto, to extend the aggregate amount due from each individual, as heretofore required by law.

The question then recurred on the passage of the said bill the second time, as amended; and the question thereon was determined in the affirmative.

Mr. Sneed, from the committee appointed to conduct the balloting for a Senator of this state, in the Congress of the United States, reported, that John Branch, esq. was duly elected; which report was concurred in.

The Senate adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 16, 1822.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill to repeal, in part, an act of the General Assembly of

this state, entitled an act directing the designation of hands, and how they shall be compelled to work under overseers of roads, hereafter, in the counties of Lincoln, Columbus, Burke, and Rockingham; and also, a resolution in favor of the heirs at law of James Green, deceased; in which they ask the concurrence of that house.

Mr. Williamson, from the select committee, to whom was referred the bill to amend the several Acts of Assembly, heretofore passed, relative to the appointment of sheriffs, reported the same with an amendment. Thereupon, the said bill, as amended, was read the second time, and passed.

Mr. Sneed presented a bill to consolidate and amend the several laws of this state, in relation to the processioning of lands, which was read the first time, and passed; and, on motion of Mr. Sneed, was referred to a select committee, consisting of Messrs. Sneed, Seawell, Troy, Cameron, and Shober.

Mr. Baker, of Brunswick, presented the memorial of Edward Newton, and others, on the subject of pilotage; which was referred to the committee of Propositions and Grievances.

Mr. Cameron, from the Judiciary committee, to whom was referred the petition of sundry persons of color, of Hertford county, praying the repeal of an act of the last session, declaring slaves competent witnesses against free persons of color, reported a bill for the repeal of the said act; which was read the first time, and passed.

Mr. Cameron, from the same committee, to whom was referred a resolution of the Senate, directing an inquiry into the expediency of amending the laws touching the removal of suits from one county to another; also, the laws granting appeals from the Superior Courts to the Supreme Court, reported a bill to amend an act, passed in 1821, entitled an act to promote the administration of justice; which was read the first time, and passed.

Mr. Cameron, from the same committee, to whom was referred the resolution of the Senate instructing them to inquire into the expediency of modifying the law prescribing the punishment of the crime of perjury, so as to take away the dismembering of the person, yet leaving the necessary severity of punishment, reported, that it is inexpedient to alter or modify the punishment of the crime of perjury; which was concurred in.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of Raleigh, concerning the Baptist Meeting House located in said city, reported a resolution,

That Southey Bond, the present deacon of the Baptist Church in Raleigh, or his successor in office, be authorised to remove and rebuild the present Baptist Meeting House in the city of Raleigh, to the north side of the public square, known in the plan of said town by the name of Moore Square, on Hargate Street, under the restrictions therein prescribed.

Which was concurred in, and ordered to be engrossed.

Mr. Spaight, from the committee on Military Land Warrants, to whom was referred the petition of Peter Nance, reported a resolution, authorising the Secretary of State to issue to the heirs at law of James King a duplicate of the military land warrant, No. 809; which report was concurred in, and ordered to be engrossed.

Mr. Spaight, from the same committee, to whom was referred the petition of Moses Grisham, reported unfavorably to the prayer of the petitioner; which was concurred in.

On motion of Mr. Carson, a message was sent to the House of Commons, proposing to ballot immediately for a member of the Board of Internal Improvement, to supply the vacancy occasioned by the resignation of Isaac T. Avery, and nominating for that appointment Robert Williamson, esq.

Mr. Davis presented the petition of sundry inhabitants of Carteret county, on the subject of pilotage; which was referred to the committee of Propositions and Grievances.

Mr. Graves presented a bill to repeal and make void so much of the second clause or section of an act of 1805, chapter 680, of the Revised Laws of this state, as goes to require the seals as well as the signatures of the Justices of the Peace, before whom the surveyors of the vacant and unappropriated lands of this state, shall be called on, or required by the Entry Takers thereof, from time to time, to make oath out of court, touching the deficiencies of such entries, as to the number of acres entered and claimed, which shall be found, on actual survey, to be wanting; which was read the first time, and passed.

Mr. Branch presented a resolution proposing to appoint a joint select committee to inquire into the administration of the banks, in this state, with particular instructions to ascertain, if practicable, whether they, or either of them, have directly or indirectly exacted more than six per cent. per annum for their discounts; and whether they have, in good faith, complied with the terms of their charter, by paying specie for their notes when presented for payment; and that they have leave to send for persons and papers, and to report by bill, or otherwise; which was agreed to, and Messrs. Branch, Williamson, Seawell, Miller, and Outlaw, were appointed the said committee on the part of the Senate.

Received from the House of Commons, a message, agreeing to ballot immediately for a member of the Board of Internal Improvement, and appointing Mr. Rea and Mr. J. Cherry superintendants of the balloting on the part of that house; and thereupon, Mr. Greene and Mr. Flowers were appointed on the part of the Senate.

A bill to repeal part of the 4th section of an act, passed in the year 1810, entitled an act to establish the mode of elections, in future, in the county of Buncombe; a bill to regulate the patrol of Richmond county; a bill to incorporate the Mecklenburg Agricultural Society; and a bill to appoint commissioners and to incorporate the town of Huntsville, in the county of Surry; were severally read the third time, and passed, and ordered to be engrossed.

Received from the House of Commons, a message, proposing that field officers and justices of the peace be appointed on Wednesday evening next; which proposition was agreed to by the Senate.

Mr. Greene, from the committee appointed to conduct the balloting for a commissioner of the Board of Internal Improvement, reported, that Robert Williamson was duly elected; which report was concurred in.

Received from the House of Commons, a letter from Thomas P. Devereaux, esq. accompanied with a manuscript book, containing the records of the Court of Chancery, held by the Lords Proprietors' deputies, between the years 1712 and 1728; also, the probate and register of wills for sundry counties in this state, between the years 1749 and 1753, endorsed in that house, "Read and referred to the Library committee;" and the same was read in the Senate, and referred, as by the House of Commons.

The Senate proceeded to the consideration of the bill to provide a revenue for the payment of the civil list and contingent charges of government, for the year 1823; and the same being read a third time, Mr. Seawell moved to amend the fourth section of the bill by striking out the following words: "*shall be subject to the same tax for the residue of the year, unexpired, after the first day of April, and shall apply to the sheriff for a license, under the same rules as apply to those who were in business on the said first day of April;*" and inserting the words "*shall apply to the sheriff for a license, which shall be granted by the sheriff, upon such applicant giving bond and security to the sheriff, to pay the tax required by this act, on the amount of such goods, wares, and merchandize, as such applicant shall sell, between the time of such application, and the first day of April succeeding;*" which was agreed to. Mr. Cameron moved to amend the bill by striking out the fifth section as reported by the committee of the whole, and to insert the following: "*that the owner, or possessor, of every billiard table, or other table, constructed or erected for playing games of chance, by whatever name called, shall give in such billiard table, or other table, as aforesaid, in the same manner as other taxable property; and shall pay for such billiard table, or other table, as aforesaid, a tax of five hundred dollars; and after the first day of April next, no billiard table, or other table, constructed or erected for playing games of chance, shall be kept up until such tax shall be paid to the sheriff of the county in which such billiard table, or other table, is or may be erected or kept up, and a license to erect or keep up the same shall be first granted by said sheriff. And if any billiard table, or other table, as aforesaid, is erected or kept up without such license first had and obtained, the sheriff of the county where such table is or may be so erected or kept up, shall seize and destroy the same by burning. And the person, or persons, erecting or keeping up such billiard table, or other table, as aforesaid, shall be subject to indictment; and, on conviction, in the Supreme Court of Law having jurisdiction thereof, shall be fined not less than fifty dollars, and be imprisoned at the discretion of the court.*" Which amendment was amended, on motion of Mr. Spaight, by inserting the word "*public*" before the word table; and the amendment, as amended, was then agreed to. Mr. Seawell moved to amend the bill by adding the 16th section, in the following words, to wit: "*And be it further enacted, that it shall be the duty of the several sheriffs of this state to collect and enforce the payment of the taxes, by this act imposed upon pedlars, notwithstanding the said pedlars may rent or procure houses, for the purpose of carrying on a temporary sale of goods;*" which was agreed to. The question then recurred on the passage of the said bill the third time, as amended; and the question thereon was determined in the affirmative, and the same was ordered to be engrossed.

The bill to amend an act, passed in the year 1821, entitled an act to provide for the execution of process where there shall be no proper sheriff to execute the same, was read the second time, and amended, on motion of Mr. Graves, by filling up the blank with the word "*five*," in the 7th line of the second section. And the question on the passage of the said bill the second time, was determined in the affirmative.

The resignations of Thomas Brickell, Colonel Commandant of the Bertie regiment of militia; H. Grady, Justice of the Peace of Duplin county;

and Barzillai Graves, Major General of the third division of the militia of North-Carolina; were severally read and accepted by the Senate.

The Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 17, 1822.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill to appoint commissioners, and to incorporate the town of Huntsville, in the county of Surry; a bill to repeal part of the 4th section of an act, passed in the year 1810, entitled an act to establish the mode of elections, in future, in the county of Buncombe; a bill to incorporate the Mecklenburg Agricultural Society; a bill to regulate the patrol of Richmond county; also, a resolution relative to the Baptist Church in the city of Raleigh; and, a resolution in favor of the heirs at law of James King; in which they ask the concurrence of that house.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the petition of sundry inhabitants of the town of Washington, on the subject of fire companies, reported a bill to authorise two or more fire companies in the town of Washington; which was read the first time, and passed.

Mr. Shober, from the select committee, to whom was referred the engrossed bill supplemental to an act passed at the present General Assembly, entitled an act for the division of Rowan county, reported the same, with the following amendments, to wit, by adding the 3rd section: "*And be it further enacted, that any one of the Justices of the Peace of the county of Rowan may administer the oath prescribed by law, to the Justices of the Peace appointed for the county of Davidson, at the first meeting for the purpose of organizing the County Court, on the fourth Monday in January next, as hereinafter appointed: Provided, that such of the appointed Justices of the Peace as may not be present, at the said meeting, may, after the organization of the Court, be qualified in the usual way;*" also, to amend the same in the 5th section by adding the following proviso, to wit: "*Provided, nevertheless, that the sheriff of Rowan shall not collect any taxes in the county of Davidson, or of the citizens of said county, imposed by the County Court of Rowan, and which are collectable in the year 1823; but that the same may be collected by the sheriff of Davidson county, to the use of said county, provided the County Court deem the collection essential to the interest of the county;*" also, to amend the same in the 2nd section, after the word commissioners insert "*or a majority of them;*" and, in the same section, after County Court, insert the words "*and his successors in office;*" and to strike out in the same section the words "*whose duty it shall be,*" and insert the words "*and it shall be the duty of said commissioners, or a majority of them.*" Which several amendments were agreed to; and the said bill was read the second and third time, as amended, and passed; and a message was sent to the House of Commons, asking their concurrence in the said amendments.

Received from the House of Commons, the resolutions adopted by the Senate on the 13th instant, instructing our Senators in Congress, and requesting our Representatives, to use their best endeavors to obtain from the General Government the adoption of such measures as are best calculated to effect the complete extinguishment of the claims of the Cherokee

Indians to all their lands lying within the limits of this state, which was endorsed in that house "Read and concurred in;" thereupon the same was ordered to be enrolled.

The resolution in favor of the heirs at law of James Green, deceased, was returned from the House of Commons, endorsed in that house, "Read and concurred in;" and the same was thereupon ordered to be enrolled.

Received from the House of Commons, a message, agreeing to the proposition of the Senate, to appoint a select joint committee to inquire into the administration of the banks in this state, with particular instructions to ascertain, if practicable, whether any of them have directly or indirectly exacted more than six per centum, per annum, for their discounts, and stating that Messrs. Henry, Moore, Fisher, Strange, and James Graham, were appointed to compose the said committee on the part of that house.

Received from the House of Commons, a message, stating that they have postponed, indefinitely, the bill to amend an act entitled an act to amend an act, passed in the year 1777, making provision for the poor, and other purposes.

On motion of Mr. Seawell, the Senate proceeded to the consideration of the engrossed resolution in favor of the heirs of Joseph Cunningham, sen. and the same being read the second time, it was resolved by the Senate that the resolution shall not pass. On this question the yeas and nays were demanded by Mr. Seawell, which were as follows:

For the passage of the said resolution, are Messrs. Baker, of Brunswick, Baird, Barringer, Bray, Brownrigg, Bethune, Baker, of Gates, Beasley, Carson, Cameron, Glisson, George, Greene, Houze, Hatch, Jacocks, Legrand, Marshall, Parker, Phelps, Sneed, Spurgen, Shober, Torrence, Whitfield, Wade—yeas 26.

Against the passage of the said resolution, are Messrs. Albritton, Branch, Boddie, Blackwell, Culpepper, Davis, Devane, Flowers, Graves, Hyman, Howell, Jordan, Jones, Lindsay, M'Kay, M'Leary, Miller, Outlaw, Person, Raiburn, Richardson, Robinson, Spaight, Sumner, Sullivan, Seawell, Troy, Vanhook, Williams, Williamson, Ward. Wall—nays 32.

Thereupon, Mr. M'Kay moved, and obtained leave for the petitioners to withdraw their papers.

Mr. Ward, from the committee of Claims, to whom was referred the petition of John Rhem, reported a resolution, directing the public Treasurer to pay to the petitioner the sum of two hundred and twenty-six dollars, being expenses incurred whilst in a detachment of militia, called out in the year 1821; which resolution was not agreed to.

Mr. Jacocks, from the Military committee, reported a bill creating the eighth division of militia within this state, and for other purposes; which was read the first time, and passed.

Mr. Raiburn presented a bill giving Haywood Superior Court concurrent jurisdiction with the County Court, over the road from Jesse Billows' old place to the southern boundary line, which passed its first reading.

The bill to authorise the County Courts of Pleas and Quarter Sessions of Chatham, Anson, Iredell, Rockingham, Randolph, Perquimons, Robeson, Halifax, Chowan, Carteret, Columbus, and Bladen, to appoint a committee of finance, was read the third time, and passed, and ordered to be engrossed.

The bill to amend the several Acts of Assembly, heretofore passed, relative to the appointment of sheriffs; and the bill to amend an act, passed in the year 1821, entitled an act to provide for the execution of process,

where there shall be no proper sheriff to execute the same; were severally read the third time, and passed, and ordered to be engrossed.

The engrossed bill to amend an act, passed in the year 1817, entitled an act to authorise the County Courts of Wilkes and Brunswick to appoint a committee of finance, was read the second time, and passed.

The resignation of Edmund Whitfield, Major of the militia of Wayne county, was read and accepted.

The Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 18, 1822.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill to authorise the County Courts of Pleas and Quarter Sessions of Chatham, Anson, Iredell, Rockingham, Randolph, Halifax, Chowan, Carteret, Perquimons, Robeson, Columbus, and Bladen, to appoint a committee of finance; a bill to amend an act, passed in 1821, entitled an act to provide for the execution of process, where there shall be no proper sheriff in the county to execute the same; a bill to prescribe the time at which the office of sheriff shall expire; a bill to provide a revenue for the payment of the civil list and contingent charges of government, for the year 1823; in which they ask the concurrence of the House of Commons; also stating that the Senate have rejected the engrossed resolution in favor of the heirs of Joseph Cunningham, sen.

On motion of Mr. Cameron, the report of the Board of Internal Improvement was referred to the committee on Internal Improvement.

On motion of Mr. Spaight, a message was sent to the House of Commons, proposing to ballot immediately for a Brigadier General of the 12th brigade and 6th division of the militia of this state, and nominating for that appointment Colonel Daniel Boon.

Received from the House of Commons, a message, of the 10th instant, proposing to ballot for a Major Commandant of the Fayetteville corps of artillery, and nominating for that appointment Henry William Ayer, esq. and the same being read, a message was sent to the House of Commons, agreeing to ballot this day for that officer.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the petition of sundry pilots of Ocracock bar and swashes, reported a bill to regulate pilotage over the bar and swashes of Ocracock; which was read the first time, and passed.

Mr. Shober, from the same committee, to whom was referred the petition of Edward Newton, and others, on the subject of pilotage, reported a bill to regulate pilotage over the bar of Cape-Fear; which was read the first time, and passed.

Mr. Boddie presented the petition of the regimental court martial of Nash county, praying the repeal or modification of the laws now in force, which requires but one day in each year to train, drill, and exercise the officers, and to require the performance of that duty, not less than three days, which was referred to the Military committee.

Mr. Wall presented a bill to empower the Court of Pleas and Quarter Sessions of the counties of Richmond and Montgomery, to appoint commissioners to establish the dividing line between said counties; and Mr.

Legrand presented a bill to establish a free ferry in the county of Montgomery; which bills were severally read the first time, and passed.

On motion of Mr. Person, the Senate proceeded to the consideration of the bill establishing the Bank of North-Carolina; and the same being read the second time, was, on motion of Mr. Baker, of Gates, indefinitely postponed. The yeas and nays on this question were demanded by Mr. Vanhook, which are as follows:

For the indefinite postponement of the said bill, are Messrs. Baker, of Brunswick, Barringer, Brownrigg, Bethune, Baker, of Gates, Branch, Boddie, Blackwell, Carson, Cameron, Davis, Devane, Flowers, Graves, Houze, Hatch, Howell, Jones, Legrand, M'Leary, Miller, Peebles, Richardson, Robinson, Spaight, Sneed, Sumner, Spurgen, Shober, Scawell, Troy, Torrence, Whitfield, Williamson, Ward, Wall—yeas 36.

Against the indefinite postponement of the said bill, are Messrs. Albritton, Baird, Bray, Beasley, Culpepper, Calloway, Glisson, George, Greene, Hyman, Jordan, Jacocks, Lindsay, Marshall, M'Kay, Outlaw, Parker, Person, Phelps, Raiburn, Sullivan, Vanhook, Williams, Wade—nays 24.

Thereupon, the Senate adjourned until this evening, 3 o'clock.

WEDNESDAY EVENING, 3 O'CLOCK.

The Senate met.

On motion of Mr. Carson, a message was sent to the House of Commons, proposing to ballot immediately for a Colonel of cavalry attached to the 15th brigade of militia, and nominating for that appointment Edward Williams.

Mr. Greene moved and obtained leave to withdraw the petition of Moses Grisham, and the accompanying papers.

Received from the House of Commons, a message, of the 10th instant, proposing to ballot for a Lieutenant Colonel and Major of cavalry attached to the 10th brigade of militia, and nominating Theodorick F. Burchett, as Colonel, and John Zimmerman, as Major; and the same being read, on motion of Mr. Williamsen, a message was sent to the House of Commons, agreeing to ballot this evening for the said officers.

The bill to authorise the building of a toll bridge over Dan river, in the county of Caswell, near Milton, and to incorporate a company for that purpose, was read the second time. Mr. Vanhook moved to amend the same by adding the 5th section, to wit: "*And be it further enacted, that this act shall be in force from and after the ratification thereof;*" which was agreed to. The question then recurred on the passage of the said bill the second time, which was determined in the affirmative; and thereupon, the said bill was read the third time, and passed, and ordered to be engrossed.

The following bills, to wit: a bill to appoint trustees for the Kinston Academy, and to regulate the same; a bill to appoint commissioners for the town of Kinston, in the county of Lenoir, and to enlarge their powers; a bill giving exclusive jurisdiction to the Superior Court of Bladen, of pleas and prosecutions of the state; a bill to restore Davis Etheridge, of the county of Camden, to credit; a bill to alter the place of holding regimental and battalion musters in the county of New-Hanover; a bill to prevent the fire-hunting of fowl, in Currituck county; a bill giving Haywood Superior Court concurrent jurisdiction with the County Court, over the road from Jesse Billows' old place to the southern boundary line; and a bill directing in what manner lands and slaves under execution shall be sold, in

future, in the county of Randolph; were severally read the second and third time, and passed, and ordered to be engrossed. The last mentioned bill was amended, on the second reading, by extending its provisions to the counties of Duplin, Washington, and Camden.

The resolution, in favor of Griffith I. White, sheriff of Bladen county, was read the second and third time, and passed, and ordered to be engrossed.

The engrossed bill to amend an act, passed in the year 1817, entitled an act to authorise the County Courts of Wilkes and Brunswick to appoint a committee of finance, was read the third time, and passed, and ordered to be enrolled.

The engrossed bill to appoint commissioners to view and lay off the road leading across the mountain, from the town of Wilkesborough to Mrs. Bogle's, in Iredell county; also, the engrossed bill to incorporate a male and female academy, on the lands of Thomas Cotterell, in the county of Warren, by the name and under the title of the Shady Grove Academy; and the engrossed bill for the better regulation and discipline of the militia of Ashe county; were severally read the second and third time, and passed, and ordered to be enrolled.

The engrossed resolution in favor of Joseph M'Gee, of Moore county, was returned from the House of Commons, endorsed "Read and concurred with;" and the same was thereupon ordered to be enrolled.

Received from the House of Commons, a message, stating that they have passed a bill to amend and extend an act, passed in the year 1806, entitled an act for the more convenient administration of justice within this state, by providing relief for the counties in which suits in their Superior Courts of Law and Courts of Equity have or may so accumulate, that they cannot be tried at the regular terms of those courts; also, a bill making compensation to the jurors of the Superior and County Courts of Franklin and Camden; also, a resolution in favor of Josiah Turner, late sheriff of Orange county; also, a resolution in favor of the heirs of Joel Martin; also, a resolution directing the Secretary of State to issue certain military land warrants; and resolutions in favor of John Baker, and the heirs of William Baker; and in all of which they ask the concurrence of the Senate. Thereupon, the first mentioned bill to amend and extend an act, passed in the year 1806, entitled an act for the more convenient administration of justice within this state, by providing relief for the counties in which suits in their Superior Courts of Law and Courts of Equity have or may so accumulate, that they cannot be tried at the regular terms of those courts; and the resolutions in favor of Josiah Turner, late sheriff of Orange county, and in favor of John Baker, and the heirs of William Baker; were severally read the first time, and passed.

The resignations of Joseph Amis, Colonel Commandant of the north regiment of militia of Granville county; Thomas K. Morrissey, Lieutenant Colonel of the militia of Sampson county; and Sylvanus Spruill, Lieutenant Colonel of the militia of Washington county; were severally read and accepted by the Senate.

The Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 19, 1822.

The Senate met.

A message was sent to the House of Commons, stating that the Senate

have passed a bill giving exclusive jurisdiction to the Superior Court of Bladen, of pleas and prosecutions of the state; a bill to alter the place of holding regimental and battalion musters in the county of New-Hanover; a bill directing in what manner lands and slaves under execution shall be sold, in future, in Camden, Washington, Duplin, and Randolph counties; a bill to appoint trustees for the Kinston Academy, and to regulate the same; a bill to restore Davis Etheridge, of the county of Camden, to credit; a bill to prevent the fire-hunting of fowl, in Currituck county; a bill to appoint commissioners for the town of Kinston, in the county of Lenoir, and to enlarge their powers; a bill giving Haywood Superior Court concurrent jurisdiction with the County Court, over the road from Jesse Billows' old place to the southern boundary line; a bill to authorise the building of a toll bridge over Dan river, in the county of Caswell, near Milton, and to incorporate a company for that purpose; and also, a resolution in favor of Griffith I. White, sheriff of Bladen; and a resolution in favor of the heirs of James Green; in all of which the Senate ask the concurrence of the House of Commons.

Mr. Cameron presented the following resolution:

Whereas, the General Assembly at their present session, did, by resolution, direct and order that the prosecutions, both criminal and civil, which had been commenced and prosecuted by the order of a former General Assembly of this state against General John Roberts, of Carteret county, should be dismissed; and his excellency the Governor was, by said resolution, requested to grant to the said John Roberts, a full pardon for the offences alledged to have been committed by him, which said resolution has been carried into full and complete effect: And, whereas, sundry expenses have been incurred by reason of the said prosecutions, commenced and carried on as aforesaid, which the said John Roberts, from his long sufferings and poverty, is unable to pay; and, it being just that adequate provision should be made for the payment of the same,

Resolved, That the public Treasurer be, and he is hereby authorised and required to pay to the clerk of the Superior Court of law for Wake county, the amount of all such costs and charges, including the attendance of witnesses, and sheriffs' and jailors' fees, as have been necessarily incurred in behalf of the state, in carrying on the prosecutions, civil and criminal, against General John Roberts, of Carteret county; the amount of which costs and charges shall be taxed by the said clerk, under the direction of the judge of the said court, and certified by him, for which payment the public Treasurer shall be allowed in the settlement of his accounts.

Which resolution was read the first time, and passed.

On motion of Mr. Carson, a message was sent to the House of Commons, proposing to ballot immediately for a Colonel Commandant of cavalry attached to the 15th brigade of militia, and nominating for that appointment Edward Williams.

On motion of Mr. Spaight, a message was sent to the House of Commons, proposing to ballot immediately for a Major of cavalry attached to the 2nd brigade of militia, and nominating for that appointment Major Cook.

Mr. Cameron, from the committee on the Judiciary, to whom was referred a bill for the better preservation of health in the city of Raleigh; and a bill pointing out the duty of justices of the peace and constables, in future, in this state; reported the said bills without amendment; and the said bills were thereupon, on motion, indefinitely postponed.

Mr. Cameron, from the same committee, to whom was referred the bill requiring judgments of justices of the peace to be returned to the clerk

of the County Court, reported the said bill with an amendment, which was agreed to by the Senate, and the same was made the order of the day for to-morrow.

Mr. Cameron, from the same committee, to whom was referred a resolution of the Senate of the 12th instant, relative to an inquiry into the expediency of amending an act, passed in 1820, entitled an act further pointing out the duties of guardians, so as not to require such guardians, whose bonds are good and solvent, to renew them every three years, returned the same to the Senate, and moved to be discharged from the further consideration of the subject; which was agreed to.

Received from the House of Commons, a message, stating that they have passed the engrossed bill declaring what staves and heading shall be merchantable, with an amendment to strike out the whole of the bill except the words "*a bill*," and to insert the amendment accompanying the same, and asking the concurrence of the Senate in the said amendment; which was read and agreed to.

The following bills were presented, to wit: By Mr. Seawell, a bill to amend an act, passed in the year 1821, entitled an act in addition to the former acts passed for the government of the city of Raleigh; Mr. M'Leary, a bill making compensation to the jurors in the courts of Mecklenburg county; and Mr. Williamson, a bill to advance the administration of justice in the Supreme Court; which bills were severally read the first time, and passed; and the last mentioned bill was, on motion of Mr. Williamson, referred to the committee on the Judiciary.

Mr. Person presented the memorial of Hannah Duckworth, of Moore county, praying an act to be passed to emancipate certain slaves therein mentioned; which was referred to the committee on the Judiciary.

On motion of Mr. Williamson, the Senate proceeded to the consideration of the bill to establish Courts of Equity, separate from the Courts of Law, within this state, and the same being read the second time, was, on motion of Mr. Branch, indefinitely postponed; and the yeas and nays on this question being demanded by Mr. Branch, were as follows:

For the indefinite postponement of the said bill, are Messrs. Albritton, Baker, of Brunswick, Bray, Brownrigg, Branch, Boddie, Blackwell, Beasley, Culpepper, Caloway, Davis, Devane, Flowers, Glisson, George, Houze, Hynan, Howell, Jordan, Jacobs, Lindsay, M'Kay, M'Leary, Miller, Outlaw, Person, Phelps, Richardson, Robinson, Sneed, Sumner, Spurgen, Shober, Troy, Vanhook, Williams, Whitfield, Ward—yeas 18.

Against the indefinite postponement of the said bill, are Messrs. Baird, Barringer, Bethune, Baker, of Gates, Carson, Cameron, Greene, Graves, Hatch, Jones, Legrand, Marshall, Parker, Peebles, Raiburn, Spaight, Sullivan, Seawell, Torrence, Williamson, Wade, Wall—nays 22.

The resignation of James Nuttall, Lieutenant Colonel of cavalry attached to the 16th brigade of militia, was read and accepted.

Thereupon, the Senate adjourned to this evening, 3 o'clock.

THURSDAY EVENING, 3 O'CLOCK.

The Senate met.

Mr. Cameron moved, and obtained leave to withdraw the resolution in favor of George Williamson, sheriff of Caswell county, together with the papers accompanying the same, which was presented at the last General Assembly.

On motion of Mr. Carson, the Senate proceeded to the consideration of

the resolution reported by the committee of Propositions and Grievances, on the petition of Jesse Hulsey, praying for a pension; which resolution is in the following words, to wit:

Resolved, That the prayer of the petitioner be not allowed.

And the said resolution was agreed to.

Received from the House of Commons, a message, stating their concurrence in the several amendments made by the Senate to the bill supplemental to an act, passed at the present session of the General Assembly, entitled an act for the division of Rowan county. Thereupon the said bill was ordered to be enrolled.

Received from the House of Commons, a message, stating that they have passed a resolution in favor of John Ray; and also, a resolution in favor of the heirs of John Rice; and asking the concurrence of the Senate. Thereupon the said resolutions were severally read and agreed to, and ordered to be enrolled.

The bill to amend an act, passed in the year 1821, entitled an act in addition to former acts passed for the government of the city of Raleigh, was read the second time, and passed, and ordered to lie on the table.

The bill making compensation to the jurors in the courts of Mecklenburg county, was read the second and third time, and passed, and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed a resolution in favor of Josiah Nowall; also, a resolution in favor of Jerome M'Lain; and also, a resolution in favor of James Richardson; and in which they ask the concurrence of the Senate. Thereupon the said resolutions were severally read and agreed to, and ordered to be enrolled.

Received from the House of Commons, a report of the committee on the Cherokee lands, accompanied with the following resolution, which was adopted in that house, to wit:

Resolved, That our Senators in Congress be directed, and our Representatives requested, to use their influence to effect the objects contained in this report, in such manner as they may find most conducive to the interests of this state; and that his excellency the Governor, be requested to transmit to each of them a copy of the report and resolution.

Which was agreed to by the Senate; and thereupon, the same was ordered to be enrolled.

The engrossed resolution in favor of the heirs at law of Joel Martin was read and agreed to; and thereupon, the same was ordered to be enrolled.

The bill to authorise two or more fire companies in the town of Washington, was read the second time, and passed.

The engrossed bill making compensation to the jurors of the Superior and County Courts of Franklin and Camden, was read the first time, and passed.

Received from the House of Commons, a message, stating that they have passed a bill to amend an act, passed in the year 1819, entitled an act to give to the Courts of Pleas and Quarter Sessions power to regulate separate elections, and for other purposes; also, a bill granting further time to perfect titles to lands within this state, and asking the concurrence of the Senate. Thereupon the said bills were severally read the first time, and passed; and thereupon, the Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 20, 1822.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill making compensation to the jurors in the courts of Mecklenburg county, and asking the concurrence of that house.

Mr. Branch, from the committee on Internal Improvement, to whom was referred a bill to extend and improve the two state roads leading from Wilkesborough to the Tennessee line, reported the said bill with an amendment, by striking out the 5th section thereof, which was agreed to; and thereupon, the said bill was read the second time, and passed.

Mr. Branch, from the same committee, to whom was referred a resolution of the Senate, of the 11th instant, directing an inquiry into the expediency of appropriating a sum of money for the purpose of clearing out, and rendering navigable, Waccamaw river, in Columbus county, made a report thereon, stating the inexpediency of the measure, and moved to be discharged from the further consideration thereof; which was agreed to.

Mr. Branch, from the same committee, to whom was referred a bill to appoint commissioners to lay off the great state road from Jonathan Woodey's old blacksmith's shop to Salem, reported the same without amendment. Thereupon, on motion, the said bill was indefinitely postponed.

Mr. Cameron, from the committee on the Judiciary, to whom was referred sundry resolutions adopted by the Senate, on the subject of granting letters of administration on the settlement of accounts between guardians and their wards, and requiring executors to give bond and security for the faithful discharge of their duties, reported a bill further to amend an act entitled an act concerning proving wills, and granting letters of administration, and to prevent frauds in the management of intestate's estates, passed in 1715, which was read the first time, and passed.

Mr. Spaight, from the committee on Military Land Warrants, to whom was referred the petition of Etheldred Dance, reported a resolution authorising the Secretary of State to issue to Etheldred Dance, a military land warrant for nine hundred and fourteen acres of land; which resolution was agreed to, and the same was ordered to be engrossed.

The Senate proceeded to the consideration of the bill to amend an act, passed in 1806, entitled an act for the more uniform and convenient administration of justice within this state. And the said bill, on motion of Mr. McKay, was committed to a committee of the whole house, and made the order of the day for to-morrow.

Mr. Miller, from the committee to whom was referred the subject of ceding to the United States the jurisdiction of certain lands at Ocracock, moved to be discharged from the further consideration of the subject; which was agreed to.

Mr. Shober presented a resolution directing the committee on the Judiciary to inquire into the expediency of extending the benefit of an act entitled an act for ascertaining the method of proving book debts, to guardians of persons found non compos mentis, and that they report by bill, or otherwise; which was agreed to.

Received from the House of Commons, a message, stating that they have postponed indefinitely the bill to alter the time of the annual meeting of the General Assembly of this state; and that they have passed a bill to repeal the 13th section of an act, passed in the year 1818, entitled an act

supplemental to an act concerning the Supreme Court; and also, an act, passed in the year 1821, entitled an act to amend an act supplemental to an act concerning the Supreme Court; also, a bill to authorise a single justice of the peace to appoint some person to act as coroner, in certain cases; also, a bill ceding the jurisdiction of North-Carolina, over a certain part of Ocracock Island, to the United States; also, a bill to provide for the collection of debts due the state which do not exceed one hundred dollars; and in all of which they ask the concurrence of the Senate. Thereupon the said bills were severally read the first time, and passed.

The following bills were presented, to wit: By Mr. Baird, a bill to repeal all acts, and clauses of acts, offering a premium for wolf scalps; and a bill to incorporate the Free Bridge Company, in the county of Buncombe; and by Mr. Shober, a bill regulating the duties of the clerks of County Courts, and others, in certain cases therein mentioned; which bills were severally read the first time, and passed.

The Senate entered upon the consideration of the bill to amend an act, passed in the year 1798, entitled an act to empower the several County Courts of Pleas and Quarter Sessions, of the several counties in this state, to order the laying out of public roads, and to establish and settle ferries, and to appoint where bridges shall be built, and to clear inland rivers and creeks; and, the same being amended, was read the second and third time, and passed, and ordered to be engrossed.

The bill to encourage the apprehension of runaway slaves in the Great Dismal Swamp was read the second time. Mr. Seawell moved to amend the same, by adding to the 5th section the words "*and in the Gazette of this state,*" which was agreed to; and the question on the passage of the said bill the second time, was determined in the affirmative.

On motion, Mr. Hatch, the Senator from the county of Jones, obtained leave of absence from the services of this house, from and after to-morrow, until the end of this session.

The engrossed bill to repeal the second section of an act, passed in the year 1821, respecting the Supreme Court, was read the second time; and the same being under consideration, Mr. Williamson moved that the further consideration of the said bill be postponed until to-morrow, which was agreed to; and thereupon, the Senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 21, 1822.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill to amend an act, passed in the year 1798, entitled an act to amend an act entitled an act to empower the several County Courts of Pleas and Quarter Sessions, of the several counties in this state, to order the laying out of public roads, and to establish and settle ferries, and to appoint where bridges shall be built, and to clear inland rivers and creeks; and the resolution in favor of Etheldred Dance; in which they ask the concurrence of that house.

On motion of Mr. Carson, a message was sent to the House of Commons, proposing to ballot immediately for a Colonel Commandant of cavalry attached to the 15th brigade of militia.

Mr. Blackwell, from the committee appointed to inquire into the expe-

diency of authorising by law, the issue of a further sum of Treasury Notes, reported a bill to raise a fund to liquidate the debt which the state owes to the State Bank of North Carolina; which was read the first time, and passed.

On motion of Mr. Outlaw, the Senate proceeded to the consideration of the resolution reported by the committee to whom was referred the resolutions of the Senate and House of Commons, directing an inquiry into the expediency of making a new arrangement in the Congressional districts of this state, in the following words, to wit: Resolved, that it is inexpedient to make any change in the present arrangement of the Congressional Districts of this state; which was agreed to.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the petition of George Ray, and others, of Stokes county, securities of William Barr, late Sheriff, praying authority to collect the arrears of taxes due to the said sheriff, reported a bill to authorise the securities of William Barr, late Sheriff of Stokes county, to collect arrears of taxes for the years therein mentioned; which was read the first time, and passed.

Received from the House of Commons, a message, stating that they have passed a bill to provide a revenue for the payment of the civil list and contingent charges of government for the year 1823, with the following amendments, viz. to strike out the words "*one thousand eight hundred and twenty-three*," in the title of the bill; also, to strike out the words, "*for the year one thousand eight hundred and twenty-three*," in the 4th and 5th lines of the first section of the bill; also, to insert the word "*annually*" after the words "*shall be*," in the 6th line of the first section; also, to insert the word "*annually*" in the 19th line of the third section after the word "*shall*;" also, to strike out the word "*this*," in the 20th line of the third section, after the words "*members of*;" also, to strike out the words "*or natural*," in the 9th line of the sixth section; also, to insert the words "*and every person who shall exhibit natural curiosities, of any kind or sort, the sum of fifteen dollars*," after the words "*thirty dollars*," in the 13th line of the sixth section; also, to insert the words "*an annual*" after the word "*that*" in the 1st line of the ninth section; and also, to strike out the words "*one thousand eight hundred and twenty-three, a*" in the 2nd and 3rd line of the ninth section; and asking the concurrence of the Senate in the several amendments. Thereupon, the said amendments were severally read and agreed to by the Senate.

The following bills were presented: By Mr. Carson, a bill to prevent the clerks of Courts of Record from practising as attorneys or counsellors, within their respective counties in this state; Mr. Glisson, a bill to extend certain privileges to the securities of persons who may hereafter take the prison bounds; and Mr. Lindsay, a bill to prevent the destruction of oysters in this state, and for other purposes; which bills were severally read the first time, and passed.

Received from the House of Commons, a message, stating that Mr. Beall and Mr. J. Hill are appointed superintendants of the balloting on the part of that house for a Colonel of cavalry attached to the 15th brigade of militia; and thereupon, Mr. Carson and Mr. Bethune were appointed superintendants on the part of the Senate.

The Senate proceeded to the consideration of the engrossed bill to re-

peal the second section of an act, passed in the year 1821, respecting the Supreme Court; and the same being read the second time, the question on the passage of the said bill was determined in the affirmative. On this question the yeas and nays were demanded by Mr. Lindsay, which were as follows:

For the passage of the said bill the second time, are Messrs. Albritton, Baker of Brunswick, Baird, Bray, Brownrigg, Baker of Gates, Branch, Boddie, Blackwell, Beasley, Culpepper, Cameron, Calloway, Davis, Flowers, Glisson, George, Greene, Graves, Houze, Howell, Jordan, Jacocks, Jones, Lindsay, Legrand, Marshall, M'Leary, Parker, Person, Phelps Raiburn, Spaight, Sneed, Sumner, Spurgin, Shober, Troy, Torrence, Vanhook, Whitfield, Williamson, Ward—yeas 43.

Against the passage of the said bill, are Messrs. Barringer, Devane, M'Kay, Miller, Richardson, Robinson Sullivan, Seawell, Wade, Wall—nays 10.

Thereupon, the said bill was read the third time, and Mr. Seawell moved to amend the same by striking out the whole thereof except the words "a bill," and insert the following, to wit:

"To prescribe the manner of granting appeals to the Supreme Court, and to regulate the granting of new trials in the said court."

Be it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the ratification of this act, no appeal shall be allowed or granted to the Supreme Court, but upon the appellant first giving bond, with sufficient security, to pay all costs, which the party appealing would be liable to pay by the judgment in the Superior Court.

And be it further enacted by the authority aforesaid, That in case the appellant shall not prosecute his appeal with effect, the appeal bond may be proceeded on in the Supreme Court, in the same manner as in cases of appeals from the County to the Superior Courts.

And be it further enacted, That no new trial shall be granted in the Supreme Court where the question depends upon the credibility of the witnesses; nor shall any new trial be granted upon matter of fact, but where it appears evident to the said court that the jury have done wrong in finding their verdict.

Which amendment was not agreed to.

The question then recurred on the passage of the said bill the third time; and the question thereon was determined in the affirmative; and thereupon, the said bill was ordered to be enrolled.

The bill for the better regulation of the militia of this state was read the second time, and amended, on motion of Mr. M'Kay, by inserting in the 6th line, after the word neglect, the words "*or refuse.*" The question then recurred on the passage of the said bill the second time; and the question thereon was determined in the affirmative; and thereupon the said bill was read the third time and passed, and ordered to be engrossed.

The bill to authorise the county courts to require administrators and others to give other or counter security, upon the petition of their sureties, was read the second time and amended, on motion of Mr. Sneed, by inserting in the 6th line of the second section, the words, "*administrator or administrators.*" The question then recurred on the passage of the said bill the second time; and the question thereon was determined in the affirmative.

The bill to regulate in part the practice in the County and Superior courts, was read the second time and passed. Thereupon the said bill was read the third time, and amended, on motion of Mr. Seawell, by striking out the word "*pending,*" and inserting the word "*found,*" in the 9th line of the 2d section. The question then recurred on the passage of the said bill the third time, as amended; and the question thereon was determined in the affirmative, and the same was ordered to be engrossed.

The bill to repeal and make void so much of the second clause or section of the act of 1805, chap. 680, of the revised Laws of this state, as goes to require the seals as well as the signatures of the Justices of the Peace before whom the surveyors of the vacant and unappropriated lands of this state shall be called in, or required by the enterers thereof, from time to time, to make oath out of court, touching the deficiencies of such entries, as to the number of acres, entered and claimed, which shall be found on actual survey to be wanting, was read the second and third time and passed, and ordered to be engrossed.

The resignation of David Haden, a Justice of the Peace of the county of Buncombe, was read and accepted.

The Senate adjourned until Monday Morning, 10 o'clock.

MONDAY MORNING, DECEMBER 23, 1822.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill to regulate in part the practice in the County and Superior Courts; a bill for the better regulation of the militia of this state; and a bill to repeal and make void so much of the second clause or section of the act of 1805, chap. 680, of the revised Laws of this state, as goes to require the seals as well as the signatures of the Justices of the Peace before whom the surveyors of the vacant and unappropriated lands of this state shall be called on or required by the enterers thereof, from time to time to make oath out of Court, touching the deficiencies of such entries, &c. &c. and asking the concurrence of that House.

Wm. V. Speight, the senator from the county of Greene, elected to supply the vacancy occasioned by the resignation of Abraham Darden, appeared, produced the certificate of his election, was qualified before the senate, and took his seat.

On motion of Mr. Baker, of Gates, a message was sent to the House of Commons, proposing to ballot immediately for a brigadier-general of the 4th brigade and 2d division of the militia of this state, and nominating for that appointment Benjamin Person.

Mr. Cameron presented the petition of sundry inhabitants of Orange county, in favor of Adam Phifer, together with a bill to carry the prayer of the petitioners into effect; which was read the first time and passed, and, on motion of Mr. Cameron, was referred to the committee of Propositions and Grievances.

Mr. Ward, from the committee of Claims, to whom was referred the resolution in favor of James Patton, James Buckhnan, and John Stephenson, reported the same with amendments; which were agreed to, and the said resolution, as amended, was read the second time and passed.

Mr. Ward, from the same Committee, to whom was referred the resolution in favor of Robert Stinson, made a report recommending the rejection of the said resolution; which was agreed to.

On motion of Mr. Graves, a message was sent to the House of Commons, proposing to ballot immediately for a major-general of the 3d division of the militia of this state, and nominating for that appointment Romulus M. Sanders and Jehu Bird.

On motion of Mr. Richardson, a message was sent to the House of Commons, proposing to ballot immediately for a brigadier-general of the 12th

brigade of militia, and nominating for that appointment col. Daniel Boon.

Received from the House of Commons, a message, stating that they have passed a bill to alter the names of Deborah and John Wiggins, of the county of Greene, and to legitimate them; also, a bill to alter the names of Robert William Golding and Henry Hartman, and to legitimate them; also, a bill for improving the navigation of the Cape-Fear River, below Wilmington; and also, a resolution for the public printer; and asking the concurrence of the Senate. Thereupon the two first mentioned bills were read and rejected, and the two last mentioned bills were severally read the first time and passed.

Received from the House of Commons, a message, stating that they have passed a bill for the relief of debtors, for debts which may be contracted after the first day of May next, and asking the concurrence of the Senate. Thereupon the said bill was read the first time and passed.

Received from the House of Commons, a resolution adopted by that House, proposing to appoint a joint select committee, composed of the members representing the counties of Gates, Hertford, Bertie, Washington, Martin, and the town of Edenton, to inquire into the expediency of amending the inspection Laws relative to Tar, Pitch and Turpentine, and that they report by bill or otherwise; which resolution was agreed to by the Senate.

Mr. Sneed, from the select committee, to whom was referred the bill to consolidate and amend the several Laws of this state, in relation to the processioning of Land, reported the said bill without amendment; and thereupon the same, on motion of Mr. Sneed, was indefinitely postponed.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to incorporate the Mecklenburg and Robeson Agricultural Societies, by adding the 2d section to the bill; which amendment was agreed to by the Senate, and the House of Commons was informed thereof by message.

Received from the House of Commons, a message, stating their agreement to ballot immediately for a major-general of the third division of militia, and appointing Mr. R. Martin and Mr. Worth to conduct the balloting on the part of that House. Thereupon Mr. Williams and Mr. Greene were appointed to conduct the said balloting on the part of the Senate.

Mr. McKay presented a bill to promote agriculture and family domestic manufactures within this state, which was read the first time and passed; and, on motion of Mr. Seawell, the same was ordered to be printed.

Received from the House of Commons, a message, stating that they have passed a bill appointing commissioners to extend and mark the dividing line between the counties of Bladen and Cumberland, and asking the concurrence of the Senate. Thereupon the said bill was read the first time and passed.

Mr. Williams, from the committee appointed to conduct the balloting for a major-general of the third division of militia, reported that Jehu Bird was duly elected; which report was concurred in.

Mr. Carson, from the committee appointed to conduct the balloting for a colonel of cavalry attached to the 15th brigade, reported that Athan McDowell was duly elected; which report was concurred in.

The Senate resolved itself into a committee of the whole. Mr. Miller in

the chair, on the bill to amend an act passed in 1806, entitled an act for the more uniform and convenient administration of Justice within this state; and, after some time spent therein, the committee rose, and the chairman reported sundry amendments to the said bill, which were agreed to by the Senate; and thereupon, on motion of Mr. Person, the further consideration thereof was postponed until to-morrow.

The engrossed bill directing the time and place of selling lands and slaves under execution, was read the second time and passed.

The bill creating the eighth division of militia within this state, and for other purposes, was read the second time and passed.

The bill to cede to the United States all that part of the river Chowan, between Sandy Point and the mouth of Bennett's Creek, was read the second and third time and passed, and ordered to be engrossed.

The Senate proceeded to the consideration of the bill to limit the term of office of certain officers therein named; and the same being read for the second time, Mr. Sumner moved to amend the bill by striking out the word "*four*" in the 8th line of the first section, and insert the word "*three*;" which was not agreed to. Mr. M'Kay moved to amend the bill by inserting the words "that the Clerk of the Supreme Court and" in the 2d line of the first section; which was agreed to. The question then recurred on the passage of the said bill the second time as amended; which question was determined in the affirmative. Thereupon the said bill was read the third time; when Mr. Jones moved to amend the bill by striking out the word "*four*" in the 8th line of the 1st section, and insert the word "*ten*;" which was not agreed to. Mr. Person moved to strike out the second section of the bill; and Mr. Seawell moved to amend the amendment, by inserting the following: "That each and every officer mentioned in the first section of this act now in office, may be removed by the courts to which they belong, or by which they were respectively appointed: Provided, that the Court of Pleas and Quarter Sessions shall remove no officer unless two thirds of the acting Justices shall concur." Mr. Branch called for a division of the question; and the question for striking out was determined in the affirmative. The question then recurred on the amendment to the amendment proposed by Mr. Seawell; which was agreed to. Mr. Sneed then moved to amend the amendment, by inserting after the word "*concur*," in the 10th line, the following words: "Provided that the officer so proposed to be removed, shall have at least three months' notice thereof;" which was agreed to. The question then recurred on the passage of the said bill the third time as amended; and the question thereon was determined in the affirmative, and the same was ordered to be engrossed.

The resignations of Gabriel B. Lea, of Orange county; William Taylor, of Anson county; and Thomas Lockhart, of Johnston county; Justices of the Peace; were severally read and accepted by the Senate.

The Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 24, 1822.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill to cede to the United States all that part of the river Chowan, between Sandy Point and the mouth of Bennett's Creek; and a

bill to limit the term of office of certain officers therein named; in which they ask the concurrence of that house.

Received from the House of Commons, a message, stating that Mr. Lammon and Mr. Pugh are appointed superintendants of the balloting for a Brigadier General of the 4th brigade, as agreed on yesterday, and that the name of Thomas Boykin is withdrawn from the nomination. Thereupon, Mr. Wall and Mr. Whitfield were appointed on the part of the Senate.

The engrossed bill to repeal part of an act, passed in the year 1784, entitled an act to prevent the exportation of unmerchable commodities, was read the second time; and, on motion, it was resolved by the Senate that this bill shall not pass.

Mr. Speight presented the following resolution:

That William A. Dardan be, and he is hereby allowed the sum of ten cents per mile, for travelling eighty miles to convey the writ of election to the sheriff of Greene county, to supply the vacancy occasioned by the resignation of Abraham Dardan, Senator of the said county; and the Treasurer be and he is hereby directed to pay the same, and for which he shall be allowed in the settlement of his public accounts.

Which was read the first time, and passed.

On motion of Mr. Culpepper, the Senate reconsidered the engrossed bill which was rejected on the 23rd instant, entitled a bill to alter the names of Robert William Golding and Henry Hartman, and to legitimate them; which was read the first time, and passed.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the petition in behalf of Adam Phifer, of the county of Orange, and a bill to carry the prayer of the petitioners into effect, reported the said bill without amendment; which was read the second time, and passed.

Mr. Whitfield, from the committee appointed to conduct the balloting for a Brigadier General of the 4th brigade of militia, reported, that Benjamin Person was duly elected; which report was concurred in.

Received from the House of Commons, a message, proposing that a balloting take place by the two houses for Counsellors of State for the ensuing year, and nominating Theophilus Lacey, Allen Rogers, William Davidson, Thomas Wynns, Gideon Alston, William Blackledge, Benjamin Robinson, and David Gillaspie; which proposition was agreed to by the Senate, and the name of General Edmund Jones was added to the nomination.

On motion of Mr. Person, a message was sent to the House of Commons, proposing that a balloting take place for a Brigadier General of the 6th brigade of the militia of this state, and nominating for that appointment Colonel Cotton.

The bill to fix the time of appointing the county trustee of each of the counties in this state, was read the third time, and passed, and ordered to be engrossed.

A message was sent to the House of Commons, stating that the Senate have rejected the engrossed bill to alter the names of Deborah and John Wiggins, of the county of Greene, and to legitimate them; also, the engrossed bill to repeal part of an act, passed in the year 1784, entitled an act to prevent the exportation of unmerchable commodities.

Received from the House of Commons, a message, stating that Mr. Hastings and Mr. Hellen are appointed superintendants of the balloting for Counsellors of State on the part of that house; and thereupon, Mr. Lindsay and Mr. Peebles were appointed superintendants of the said balloting on the part of the Senate.

Received from the House of Commons, a message, consenting to ballot for a Brigadier General of the 12th brigade of militia, and nominating Colonel James Cox for that appointment; and stating that Mr. Baker and Mr. Adams are appointed to conduct the balloting on the part of that house. Thereupon, Mr. Wall and Mr. Howell were appointed superintendants of the balloting on the part of the Senate.

The Senate proceeded to the consideration of the bill to amend an act, passed in 1806, entitled an act for the more uniform and convenient administration of justice within this state; and the same being read the second time, Mr. Branch moved to strike out the following words in the 5th section, to wit: "And be entitled to the same compensation for holding the several Superior Courts, by this act established: *Provided, always, That the Judge or Judges attending and holding the courts of the aforesaid counties of Orange, and others, shall be entitled to receive the same compensation as for attending and holding two of the Superior Courts of Law and Equity, as by law now established, so long as the extension of the terms of the said courts, as prescribed by this act, continues, and no longer;*" and to insert the sixth section, as follows: "*Be it further enacted, that the present Judges of the Superior Courts of Law and Equity, and the Judges to be appointed under this act, shall each receive a salary of eighteen hundred dollars.*" Mr. Glisson moved that the said bill be indefinitely postponed; which was not agreed to. Mr. Seawell then moved an amendment to the amendment, in the following words: "*to be paid upon the certificates of attendance, as heretofore required, and in case of non-attendance a rateable deduction to be made by the public Treasurer;*" which was agreed to. The question then recurred on the amendment proposed by Mr. Branch, as amended, which was determined in the affirmative. Mr. M'Kay moved to amend the said bill by striking out the fifth section, and inserting a provision making it the duty of two of the Judges of the Supreme Court to attend the Circuit Courts. On this question the yeas and nays were demanded by Mr. M'Kay, which are as follows:

For the adoption of the amendment, are Messrs. Albritton, Baker, of Brunswick, Baird, Bray, Bethune, Boddie, Blackwell, Beasley, Calloway, Davis, George, Jordan, M'Kay, M'Leary, Outlaw, Parker, Raiburn, Richardson, Sullivan, Shober, Seawell, Spaight, of Greene, Torrence, Vanhook, Williams, Whitfield, Wade—yeas 27.

Against the adoption of the said amendment, are Messrs. Barringer, Brownrigg, Baker, of Gates, Branch, Carson, Culpepper, Cameron, Devane, Flowers, Glisson, Greene, Graves, Houze, Hyman, Jacocks, Jones, Legrand, Marshall, Miller, Robinson, Spaight, Sneed, Sumner, Spurgen, Williamson, Ward—nays 26.

And thereupon, the Speaker voting in the negative, the vote was declared equal, and the motion to amend was not agreed to. The question then recurred on the passage of the said bill the second time, and the question thereon was determined in the negative. The yeas and nays on the passage of the said bill were demanded by Mr. Glisson, and are as follows:

For the passage of the said bill, are Messrs. Baker, of Brunswick, Barringer, Brownrigg, Bethune, Baker, of Gates, Beasley, Carson, Cameron, Davis, Greene, Graves, Jacocks, Miller, Parker, Raiburn, Robinson, Spaight, of Craven, Sneed, Sumner, Spurgen, Shober, Seawell, Williamson—yeas 24.

Against the passage of the said bill, are Messrs. Albritton, Baird, Bray, Boddie, Blackwell, Culpepper, Calloway, Devane, Flowers, Glisson, George, Houze, Hyman, Jordan, Jones, Legrand, Marshall, M'Kay, M'Leary, Outlaw, Person, Richardson, Sullivan, Spaight, of Greene, Torrence, Vanhook, Williams, Whitfield, Ward, Wade—nays 30.

The engrossed bill to amend and extend an act, passed in the year 1806,

entitled an act for the more convenient administration of justice within this state, by providing relief for the counties in which suits in their Superior Courts of Law, and Courts of Equity, have or may so accumulate that they cannot be tried at the regular terms of those courts, was read the second time; and the question on the passage of the said bill was determined in the negative. The yeas and nays on this question being demanded by Mr. Carson, were as follows:

For the passage of the said bill, are Messrs. Albritton, Baker, of Brunswick, Bethune, Baker, of Gates, Blackwell, Culpepper, Cameron, Devane, Greene, Hyman, Jacocks, Legrand, Marshall, M'Kay, M'Leary, Person, Robinson, Sneed, Sumner, Spurgen, Shober, Williams, Whitfield, Wall—yeas 24.

Against the passage of the said bill, are Messrs. Barringer, Bray, Brownrigg, Beasley, Carson, Calloway, Davis, Flowers, Howell, Jordan, Jones, Miller, Outlaw, Parker, Raibura, Spaight, Sullivan, Seawell, Speight, of Greene; Torrence, Vanhook, Williamson, Ward, Wade—nays 24.

There being an equal number for and against the passage of the said bill, the honorable the Speaker of the Senate gave his vote in the negative; and it was therefore resolved by the Senate that the said bill shall not pass.

Mr. Lindsay, from the committee appointed to conduct the balloting for Counsellors of State, reported, that Theophilus Lacey, William Davidson, Thomas Wynns, Gideon Alston, William Blackledge, David Gillaspie, and Edmund Jones, were duly elected; which report was concurred in.

The bill to repeal an act, passed in 1821, entitled an act to amend and explain the 42nd section of an act, passed in 1777, entitled an act for establishing Courts of Law, and for regulating the proceedings therein; and the bill to amend an act, passed in 1821, entitled an act to promote the administration of justice; were severally read the second time, and passed.

The bill concerning executions issued by justices of the peace, was read the second time; and, on motion of Mr. Seawell, was amended in the 18th line of the first section by inserting the following: "*and the account of sale and return by the constable, shall be evidence in favor of purchasers;*" and the question on the passage of the said bill, as amended, was determined in the affirmative.

The engrossed bill to amend an act, passed in the year 1819, entitled an act to give to the Court of Pleas and Quarter Sessions power to regulate separate elections, and for other purposes, was read the second time. Mr. Person moved to amend the said bill by striking out the following words, in the second section, to wit: "If any person shall hereafter knowingly vote at any election, who by the constitution is not entitled so to vote;" which was agreed to. Mr. Jacocks moved that the said bill be indefinitely postponed; and the question thereon was determined in the affirmative.

The resignation of William Mitchell, Colonel Commandant of cavalry attached to the 16th brigade of militia, was read and accepted.

The Senate adjourned until this evening, 3 o'clock.

TUESDAY EVENING, 3 O'CLOCK.

The Senate met.

Mr. Wade presented a resolution making an allowance to Jesse Adams, of the sum of ten dollars, for conveying a writ of election to the Sheriff of Wayne county, for the purpose of holding an election for a Senator to fill the vacancy occasioned by the death of Ephraim Daniel, and that the Treasurer be allowed the same in the settlement of his public accounts; which was read the first time, and passed.

Mr. Wall, from the committee appointed to conduct the balloting for a Brigadier General of the 12th brigade of militia, reported, that Daniel Boon was duly elected; which report was concurred in.

Mr. Seawell presented a resolution making an allowance to Robert Ray, of the sum of nine dollars and eighty-five cents, for articles bought for the use of the Senate at the present session of the General Assembly, which was read the first time, and passed.

The engrossed bill directing the time and place of selling lands and slaves under execution, was read the third time, and passed; and amended, on motion of Mr. Miller, by inserting the word "*Warren*," in the second line of the 4th section; and the House of Commons was informed thereof by message.

The bill to encourage the apprehension of runaway slaves in the Great Dismal Swamp, was read the third time; and amended, on motion of Mr. Seawell, by inserting the following provision, at the bottom of the second section, to wit: "*Provided, always, That any person whose slave may be apprehended and committed according to the provisions of this act, shall have the election of appealing to the County Court, where the value of such slave shall be assessed by persons appointed by the County Court, or to direct the sheriff to sell such slave at public auction, after twenty days' notice, and pay to the captors one fourth part of the price at which said slave shall be sold.*" Thereupon, the said bill passed the third time, and was ordered to be engrossed.

Received from the House of Commons, a message, proposing to ballot immediately for Lieutenant Colonel and Major of cavalry attached to the 10th brigade of militia, and nominating Theodorick T. Burchett, as Lieutenant Colonel, and John Zimmerman, as Major, which proposition was agreed to; and Mr. Carson and Mr. Shober were appointed superintendants of the balloting on the part of the Senate.

The bill to alter the times of holding the Superior Courts in the fifth circuit, was read the second time, and passed.

The bill to authorise two or more fire companies in the town of Washington; the bill to extend and improve the two state roads leading from Wilkesborough to the Tennessee line; the bill creating the 8th division of militia within this state, and for other purposes; and the resolution in favor of James Patton, James Buckhannan, and John Stephenson; were severally read the third time, and passed, and ordered to be engrossed.

Received from the House of Commons, a message, stating that Mr. Skinner and Mr. Wilkins are appointed superintendants of the balloting for cavalry officers attached to the 10th brigade of militia, and attend the Senate to receive the ballots.

Received from the House of Commons, a message, stating that they have passed a bill to incorporate Sharon Ledge, No. 78, in the county of Pitt; also, a bill to incorporate a light infantry company in the town of Newbern; also, a bill to authorise Thomas Cobbs, of Wake county, to erect a bridge across Neuse river; also, a resolution in favor of John Ferguson; also, a resolution in favor of Ransom Hinton, clerk of Wake county Superior Court, and others; also, a resolution directing the Secretary to purchase stationary; also, a bill making the officials of the Secretary of State evidence in certain cases; a bill concerning jails; a bill to authorise William Blackledge, of Lenoir county, to erect a bridge across Neuse river; a bill

to amend an act, passed in 1807, entitled an act to regulate the charges of sheriffs, coroners, constables, and other officers, in certain cases; a bill to amend the 19th section of an act, passed in the year 1794, entitled an act directing the mode of recovering debts of twenty pounds, and under; also, a bill to amend an act, passed in 1821, entitled an act respecting the Court of Pleas and Quarter Sessions of Columbus county; a bill to amend an act, passed in 1811, entitled an act making the stealing of standing or growing corn, maize, cotton, and rice, larceny; also, a bill to amend the third section of an act, passed in the year 1795, chap. 444; also, a bill for the more convenient administration of justice in capital cases; and asking the concurrence of the Senate. Thereupon, the six bills first above mentioned were severally read the first time, and passed.

Received from the House of Commons, a message, stating that they have rejected the engrossed bill directing in what manner lands and slaves under execution shall be sold, in future, in Camden, Washington, Duplin, and Randolph counties; and the engrossed bill to repeal and make void so much of the second clause or section of the act of 1805, of the revised Laws of this state, as goes to require the seals as well as the signatures of the justices of the peace, before whom the surveyors of the vacant and unappropriated lands of this state, shall be called on or required by the enterers thereof, from time to time, to make oath, out of court, touching the deficiencies of such entries.

Thereupon, the Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 25, 1822.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed the following bills, to wit: A bill to extend and improve the two state roads leading from Wilkesborough to the Tennessee line; a bill creating the eighth division of militia, and for other purposes; a bill to fix the time of appointing the county trustee of each of the counties in this state; a bill to authorise two or more fire companies in the town of Washington; a bill to encourage the apprehension of runaway slaves in the Great Dismal Swamp; and a resolution in favor of James Patton, James Buckhannon, and James Stephenson; in all of which they ask the concurrence of that House.

On motion of Mr. Troy, Richard T. Brownrigg was added to the committee on enrolled bills.

Mr. Carson, from the committee appointed to conduct the balloting for cavalry officers attached to the 10th brigade of militia, reported that Theodorick T. Burchett was duly elected lieutenant-colonel, and John Zimmerman, as major.

Mr. Baker, of Gates, from the committee to whom was referred the subject of inquiry into the expenses incurred in removing the statue of Washington from Wilmington to Raleigh, reported a statement of facts on the subject, which was read and ordered to lie on the table.

Mr. M'Kay, from the military committee, reported a bill concerning the public arms; which was read the first time and passed.

The following bills were presented, to wit: By Mr. Culpepper, a bill to protect the persons of honest debtors; Mr. Baird, a bill to appoint commissioners, and authorise the county court of Buncombe to lay a tax for build-

ing a Court House in said county; and by Mr. Calloway, a bill to give the County and Superior courts concurrent jurisdiction over the state road from Wilkesborough, by Ashe Court House, to the Tennessee line; and a bill for the better keeping in repair the streets in the town of Jefferson, in Ashe county. Which bills were severally read the first time and passed.

Mr. Outlaw, from the committee on Agriculture, to whom was referred the resolution directing an inquiry into the expediency of compelling all owners of Cotton Gins to mark or brand every bag or bale of cotton which they may pick or pack for market, reported a bill concerning owners of Cotton Gins; which was read the first time and passed.

The engrossed bill to authorise Thomas Cobbs, of Wake county, to erect a bridge across Neuse River, was read the second and third time and passed; and the same was amended on the third reading, on motion of Mr. Seawell, by inserting, in the 12th line of the second section, the words, "on foot passengers five cents;" and a message was sent to the House of Commons, asking their concurrence in the amendment.

The bill to authorise the County Courts to require administrators and others to give other or counter security, upon the petition of their sureties, was read the third time. Mr. Seawell moved to amend the same, by adding at the bottom of the first section, the following provision: "Provided, always, that any person appointed to the management of any estate, in the room of any executor or administrator, removed by virtue of this act, shall be accountable to creditors and others interested in the estate, to the extent of the assets received, in like manner as executors and administrators by law are liable;" which was agreed to. The question then occurred on the passage of the said bill the third time; and the question thereon was determined in the affirmative.

The bill to amend an act, passed in the year 1821, entitled an act in addition to former acts, passed for the government of the city of Raleigh, and the bill concerning Adam Phifer, of Orange county, were severally read the third time and passed, and ordered to be engrossed.

Mr. Branch, from the joint select committee, to whom was referred the resolution relative to the administration of the Banks in this State, made a detailed report thereon, which was ordered to lie on the table. Thereupon, Mr. Branch presented a resolution, requesting the Governor of this State to submit the facts, as contained in the foregoing report, to some one or more legal gentlemen in this State, or elsewhere, eminent for their abilities and legal learning, and totally unconnected with those establishments; and if it should be the opinion of such counsel that the Banks, or either of them, have directly or indirectly, through the medium of northern funds, exacted more than six per cent. per annum, for their discounts, or have failed to pay specie for their notes, as by the terms of their charters they are bound to do; that then, and in that case, it shall be the duty of the Governor to employ counsel to institute a judicial investigation into the administration of those institutions; and to ascertain, judicially, by what authority they have transcended their chartered powers; and to adopt the most efficient means to check the progress of such a dangerous usurpation of powers, so much calculated to enrich the monied capitalist, and to impoverish the community generally; which was ordered to lie on the table. Mr. Baker, of Gates, moved that the said report and resolution, relative to the Banks, be printed; which was agreed to.

The engrossed bill to incorporate a light infantry company in the town of Newbern, was read the second time and passed, and amended, on motion of Mr. Cameron, by striking out the eighth section of the bill.

Received from the House of Commons, a message, stating that they have passed the following bills, and in all of which they ask the concurrence of the Senate, to wit: a bill to incorporate Durham's Creek Academy, in the county of Beaufort; a bill to authorise the securities of James Eastwood, late sheriff of Greene county, to collect arrears of taxes for the year therein mentioned; a bill to incorporate Western Sun Lodge, No 72, in the county of Wake; a bill to exempt certain citizens of Hyde county from public duty; a bill to provide for the sale of the lands lately acquired by treaty from the Cherokee Indians, which have been surveyed and remain unsold; a bill to establish Culpepper Academy, in the county of Anson, and to incorporate the trustees thereof; a bill to establish Hope-well Academy, in Edgecombe county, and to incorporate the trustees thereof; a bill to amend the acts of incorporation of Elizabeth city, in Pasquotank county; a bill to authorise the County Court of Wake to have rebound and copied such books in the register's office as are old and worn out, belonging to said county; a bill supplemental to an act, passed in the year 1784, entitled an act to appoint commissioners, and to establish the town of Morganton, in the county of Burke, and for other purposes; a bill to authorise and empower the executors of Dempsey Jenkins to collect the arrears of taxes due him in Edgecombe county; a bill to continue in force an act, passed in 1820, entitled an act appointing commissioners for fixing upon a suitable place for the public buildings in Hyde county, and for other purposes; a bill to establish Miltonsville Academy, in the county of Anson, and to incorporate the trustees thereof; a bill directing the manner of appointing patrollers in the county of Davidson; a bill to authorise the County Court of Haywood to appoint an entry taker and surveyor for the lands lately acquired by treaty from the Cherokee Indians, which have not been surveyed by the state; a bill to divorce John White, of the county of Pasquotank, from his wife Tamar; a bill supplemental to an act, passed in the year 1818, entitled an act to appoint commissioners to extend the Fayetteville road from Morganton to the Tennessee line; a bill giving further time to Frederick I. Cox, of Lenoir county, to build a bridge across Neuse river; a bill to incorporate Franklin Library Society in the town of Hillsborough; a bill to incorporate a Library society in Guilford county; a bill to provide additional commissioners for the town of Nixonton, in Pasquotank; a bill to amend an act, passed in the year 1820, entitled an act for the better regulation of the County Courts of Rutherford, Burke, and Lincoln; a bill to regulate the Courts of Pleas and Quarter Sessions of Onslow county; a bill authorising the Court of Probate of Cumberland county to fill vacancies which may occur in the offices of special Justices in said county, and for other purposes; and a resolution instructing the Board of Internal Improvement to cause a survey to be made of the channel leading from Currituck inlet, through the narrows, to Albemarle sound; which bills were severally read the first time and passed; and the resolution last mentioned was adopted and ordered to be enrolled.

The resolutions in favor of Jesse Adams and Wm. A. Darden, were read the second and third times and passed, and ordered to be engrossed.

The engrossed resolution, in favor of Ransom Hinton, Clerk of Wake county Superior Court, and others, and the resolution directing the Secre-

tary to purchase stationary, were read the second and third time, and passed, and ordered to be enrolled.

The bill to amend an act, passed in 1821, entitled an act to promote the administration of justice; and the bill to repeal an act, passed in 1821, entitled an act to amend and explain an act, passed in 1777, entitled an act for establishing Courts of Law, and for regulating the proceedings therein, were severally read the third time and passed, and ordered to be engrossed.

The bill further to amend an act entitled an act concerning proving wills, and granting letters of administration, and to prevent frauds in the management of intestates' estates, passed in 1715, was read the second and third time, and passed, and ordered to be engrossed.

The engrossed bills, to wit: a bill appointing commissioners to extend and mark the dividing line between the counties of Bladen and Cumberland; a bill to incorporate Sharon Lodge, No. 78, in the county of Pitt; and a bill granting further time to perfect titles to lands within this state, were severally read the second and third time, and passed, and ordered to be enrolled.

The bill to promote agriculture, and family domestic manufactures, within this state, was read the second time. Mr. M'Kay moved to amend the same by adding the 10th section, as follows: "And be it further enacted, that the clerks aforesaid, shall, within a reasonable time after the foregoing statements are made, account with and pay over to the public treasurer all the balances aforesaid, which shall be held by him in trust for the legal claimant, but, while unapplied for, shall constitute a part of the fund created by this act;" which amendment was agreed to. Mr. Sneed moved to amend the same by adding the 11th section, as follows: "And be it further enacted, that all persons who have been clerks of any Court of Record in this state, shall account for the balances in their hands due to individuals, in the same manner as is herein required of clerks now in office;" which was agreed to. Mr. Outlaw moved to amend the last mentioned amendment, by inserting the words, "or deputy clerk," in the third line thereof; which was agreed to. The question then recurred on the passage of the said bill the second time, as amended; and the question thereon was determined in the affirmative; and thereupon, the said bill was read the third time and passed, and ordered to be engrossed.

The engrossed bills, to wit: A bill to authorise William Blackledge, of Lenoir county, to erect a bridge across Neuse River; a bill making the officials of the Secretary evidence in certain cases; a bill to amend an act passed in 1821, entitled an act respecting the court of Pleas and Quarter Sessions of Columbus county; a bill to amend the 19th section of an act passed in the year 1794, chap. 114, entitled an act directing the mode of recovering debts of twenty pounds and under; a bill to amend an act, passed in 1811, entitled an act to make the stealing of standing or growing corn, maize, cotton and rice, larceny; a bill to amend the 3d section of an act passed in the year 1795, chap. 44; a bill for the more convenient administration of justice in capital cases; and a bill concerning jails, were severally read the first time and passed.

The Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 26, 1822.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill further to amend an act, entitled an act concerning proving wills and granting letters of administration, and to prevent frauds in the management of intestates' estates, passed in 1715; a bill to amend an act passed in 1821, entitled an act to promote the administration of justice; a bill to repeal an act passed in 1821, entitled an act to amend and explain the 42d section of an act passed in 1777, entitled an act for establishing Courts of Law, and for regulating the proceedings therein; a bill to authorise the County Courts to require administrators and others to give other or counter security upon the petition of the securities; a bill to amend an act passed in the year 1821, entitled an act in addition to former acts, passed for the government of the city of Raleigh; a bill concerning Adam Phifer, of Orange county; a bill to promote Agriculture and Family Domestic Manufactures within this state; a resolution in favor of William A. Darden; and a resolution in favor of Jesse Adams; and in all of which they ask the concurrence of the House of Commons.

Received from the House of Commons, a message, stating that they have passed the engrossed bill making compensation to the jurors in the courts of Mecklenburg county, with an amendment in the 17th line of the 1st section, after the words "such court," to wit: "Provided, that each juror shall swear to the number of days he may have attended said court;" also, an amendment to the bill to authorise the county courts of Pleas and Quarter Sessions of Chatham, Anson, Iredell, Rockingham, Randolph, Halifax, Chowan, Carteret, Perquimons, Robeson, Columbus and Bladen, to appoint committees of Finance, by striking out the counties of Bladen and Robeson, and adding the counties of Currituck, Craven, Sampson and Tyrrell, and asking the concurrence of the Senate in the amendments. Thereupon the Senate concurred in the amendment made to the bill making compensation to the jurors in the courts of Mecklenburg county; and also concurring in the amendments proposed to the bill to authorise the county courts of Pleas and Quarter Sessions of Chatham, Anson, Iredell, &c. &c. to appoint committees of Finance, except so much thereof as proposes to strike out the county of Bladen, in which they do not concur; and the House of Commons was informed thereof by message.

The bill to alter the times of holding the Superior Courts in the fifth circuit, was read the third time, and, on motion of Mr. Legrand, was referred to the members of the Senate representing the counties composing the fifth judicial circuit.

Mr. Cameron, from the Judiciary committee, to whom was referred a resolution of the 3d inst. directing an inquiry into the expediency of subjecting to execution, more fully, rights and interests which are, or may be possessed by mortgagors in lands, tenements, rents, or other hereditaments, which are, or may be pledged or mortgaged, and for other purposes, reported a bill to amend an act passed in 1812, entitled an act concerning equitable interests in real and personal estates; which was read the first time and passed.

Mr. Seawell presented a resolution directing the public treasurer to pay to Joseph Ross the sum of Thirty Dollars, being in full of that sum due as the cost or price of an Iron Stove, bought of him for the use and accommo-

dition of the Senate, in course of the session of 1821; which resolution was read the first time and passed.

The bill for the better keeping in repair the streets in the town of Jefferson, in Ashe county; the bill to appoint commissioners and authorise the county court of Buncombe to lay a tax for building a Court House in said county; the bill to give the County and Superior Courts concurrent jurisdiction over the state road from Wilkesborough, by Ashe Court House, to the Tennessee line; and the resolution relative to the payment of the costs of the prosecution against Gen. John Roberts, were severally read the second and third time and passed, and ordered to be engrossed.

Mr. Raiburn presented a bill to amend an act passed the last session of the General Assembly, entitled an act to authorise the Smoky Mountain Turnpike Company to extend their turnpike road from the line of Tennessee to the mouth of Soco, in Haywood county; and Mr. Greene presented a bill to repeal an act passed in the year 1820, entitled an act to establish separate courts of Probate for the counties of Pasquotank and Rutherford, and for other purposes, so far as respects the county of Rutherford; which bills were read the first time and passed.

The resolution presented by Mr. Branch, on the 25th inst. relative to the Banks of this State, being read, Mr. Person moved to amend the same by striking out the whole thereof, from the word "Governor," in the 37th line, and inserting the following, to wit: "To report to the next session of the General Assembly, the result of such inquiry;" which amendment was not agreed to. On this question the yeas and nays were demanded by Mr. Branch; which are as follows, to wit:

For the said amendment, are Messrs. Brownrigg, Blackwell, Beasley, Devane, Glisson, Person, Peebles, Vanhook, Wade—yeas 9.

Against the said amendment, are Messrs. Albritton, Baker of Brunswick, Baird, Barringer, Bray, Bethune, Branch, Boddie, Carson, Culpepper, Calloway, Davis, Flowers, George, Greene, Graves, Hyman, Howell, Jordan, Jaccoks, Jones, Lindsay, Legrand, Marshall, McKay, McLeary, Miller, Outlaw, Raiburn, Richardson, Robinson, Spaight of Craven, Sneed, Sumner, Spurgen, Shober, Seawell, Speight of Greene, Torrence, Williams, Whitfield, Williamson, Ward, Wall—nays 44.

The question then recurred on the passage of the said resolution; and the question thereon was determined in the negative. The yeas and nays on this question were demanded by Mr. Branch, which are as follows:

For the passage of the said resolution, are Messrs. Baker of Brunswick, Bray, Branch, Boddie, Beasley, Carson, Culpepper, George, Hyman, Howell, Jordan, Jaccoks, Lindsay, Marshall, Person, Richardson, Robinson, Whitfield—yeas 19.

Against the passage of the said resolution, are Messrs. Albritton, Baird, Barringer, Brownrigg, Bethune, Blackwell, Calloway, Davis, Devane, Flowers, Glisson, Greene, Graves, Jones, Legrand, McKay, McLeary, Miller, Outlaw, Peebles, Raiburn, Spaight of Craven, Sneed, Spurgen, Shober, Seawell, Speight of Greene, Torrence, Vanhook, Williams, Williamson, Ward, Wade, Wall—nays 34.

Mr. Branch presented a resolution in the following words, to wit:

Whereas, by the charters of the State Bank of North-Carolina, and of the Newbern and Cape-Fear Banks, it is made imperative on the Directory to furnish the Treasurer of State from time to time, as often as he may require, not exceeding once in every three months, with a statement of the amount of the capital stock of the said corporations, and of the debts due to the same; of the monies deposited therein; of the notes in circulation; and of the cash in hand, &c. &c.

Resolved, Therefore, by this General Assembly, that the Treasurer be, and he is hereby instructed and required to call for an *expose* of the various matters above mentioned, as he is by said charter authorised to do; and that he be further instructed to submit to the Legislature, annually, the information thus obtained, in detail.

Which was ordered to lie on the table.

Received from the House of Commons, a message, proposing to ballot immediately for a major of cavalry attached to the 2d brigade, and nominating Major Cook; which proposition was agreed to.

Received from the House of Commons, a message, proposing that a balloting take place for brigadier general of the sixth brigade, and third division of militia, and nominating for that appointment Richard C. Cotton; which proposition was not agreed to.

Mr. Branch, the member of the Senate from the county of Halifax, obtained leave of absence from the services of this House from and after tomorrow, until the end of this session.

Received from the House of Commons, a message, stating their agreement to the amendments made by the Senate to the bill directing the time and place of selling lands and slaves under execution; and the bill to authorise Thomas Cobbs, of Wake county, to erect a bridge across Neuse River; and thereupon the said bills were severally ordered to be enrolled.

The engrossed bill to repeal the thirteenth section of an act, passed in the year 1818, entitled an act concerning the Supreme Court, and also an act passed in the year 1821, entitled an act to amend an act, supplemental to an act concerning the Supreme Court, was read the second time.— Mr. Seawell moved to strike out the words "three hundred," in the 20th line of the second section, and insert "five hundred." Mr. Carson moved for a division of the question, and the motion to strike out prevailed. The question then recurred on filling the blank with "five hundred;" which was agreed to. Mr. Cameron moved to strike out the whole of the second section, after the word "otherwise;" which was agreed to; and thereupon, the said bill, as amended, was passed the second and third time; and a message was sent to the House of Commons, asking their concurrence in the said amendments.

Mr. Robinson presented the petition of John Crumpler, of Sampson county, praying an allowance for insolvents; which was referred to the committee of claims.

The engrossed bill to provide for the collection of debts due the state, which do not exceed one hundred dollars, was read the second time, and amended; and thereupon, it was resolved by the Senate that the bill shall not pass.

The Senate adjourned until this evening, 4 o'clock.

THURSDAY EVENING, 4 O'CLOCK.

The Senate met.

Mr. Outlaw, the member of the Senate from the county of Bertie, obtained leave of absence from the services of this House, from and after tomorrow, until the end of this session.

The following engrossed bills, to wit: a bill to authorise the securities of James Eastwood, late sheriff of Greene county, to collect arrears of taxes for the year therein mentioned; a bill to incorporate Western Sun Lodge, No. 72, in the county of Wake; a bill to incorporate Durham's Creek Academy, in the county of Beaufort; a bill to establish Culpepper Academy, in the county of Anson, and to incorporate the trustees thereof; a bill to exempt certain citizens of Hyde county from public duty; a bill to amend the acts of incorporation of Elizabeth city, in Pasquotank county; a bill to establish Hopewell Academy, in Edgecombe county, and to in-

corporate the trustees thereof; a bill to authorise and empower the executors of Dempsey Jenkins to collect the arrears of taxes due him in Edgecombe county; a bill supplemental to an act, passed in the year 1784, entitled an act to appoint commissioners, and to establish the town of Morganton, in the county of Burke, and for other purposes; a bill to establish Meltonsville Academy, in the county of Anson, and to incorporate the Trustees thereof; a bill to continue in force an act, passed in 1820, entitled an act appointing commissioners for fixing upon a suitable place for the public buildings in Hyde county, and for other purposes; a bill to authorise the county court of Wake to have rebound and copied such books in the Register's office, as are old and worn out, belonging to said county; a bill to incorporate a Library Society in Guilford county; a bill to incorporate Franklin Library Society, in the town of Hillsborough; a bill to provide additional commissioners for the town of Nixonton, in Pasquotank county; a bill giving further time to Frederick I. Cox, of Lenoir county, to build a bridge across Neuse River; a bill supplemental to an act passed in the year 1818, entitled an act to appoint commissioners to extend the Fayetteville road from Morganton to the Tennessee line; a bill directing the manner of appointing patrollers in the county of Davidson; a bill authorising the court of Probate of Cumberland county to fill vacancies which may occur in the offices of special Justices in said county, and for other purposes; a bill to regulate the courts of Pleas and Quarter Sessions of Onslow county; a bill to divorce John White, of the county of Pasquotank, from his wife Tamar; and a bill to amend an act, passed in the year 1820, entitled an act for the better regulation of the county Courts of Rutherford, Burke, and Lincoln, were severally read the second and third time and passed.

Received from the House of Commons, a message, stating that Mr. Cox and Mr. Watson are appointed superintendants of the balloting for major of cavalry, attached to the second brigade of militia; and thereupon Mr. Legrand and Mr. Davis are appointed superintendants of the balloting on the part of the Senate.

Received from the House of Commons, a message of the date of yesterday, proposing to ballot immediately for a major-general of the sixth division of the militia of this state; which being read, on motion of Mr. Jaccocks, a message was sent to the House of Commons, proposing to ballot this day for that officer.

Received from the House of Commons, a message, agreeing to ballot on this day for a major-general of the 6th division of the militia of this state; and appointing Mr. Spaight and Mr. Ward, superintendants of the balloting on the part of that House. Thereupon Mr. Culpepper and Mr. Peebles were appointed superintendants of the balloting on the part of the Senate.

The engrossed resolution in favor of Josiah Turner, late sheriff of Orange, was read the second and third time and passed; and on the last reading the said resolution was amended, on motion of Mr. Spaight of Craven, by adding the following, to wit: "for the years 1816, 1817 and 1818;" and a message was sent to the House of Commons, asking their concurrence in the said amendment.

The bill to incorporate the Free Bridge Company, in the county of Buncombe; the bill to repeal all acts and clauses of acts offering a premium for wolf scalps; the bill to authorise the securities of William Barr, late sheriff

of Stokes county, to collect arrears of taxes; the bill to empower the court of Pleas and Quarter Sessions of the counties of Richmond and Montgomery to appoint commissioners to establish the dividing line between said counties; the bill to repeal an act, passed in the year 1820, entitled an act to establish separate courts of Probate for the counties of Pasquotank and Rutherford, and for other purposes, so far as respects the county of Rutherford; the bill to establish a free ferry in the county of Montgomery; and the bill to amend an act, passed the last session of the General Assembly, entitled an act to authorise the Smoky Mountain Turnpike Company to extend their turnpike road from the line of Tennessee to the mouth of Soco, in Haywood county, were severally read the second and third time and passed, and ordered to be engrossed.

The engrossed bill making compensation to the Jurors of the Superior and County Courts of Franklin and Camden; also, the bill to authorise William Blackledge, of Lenoir county, to erect a bridge across Neuse River; and also the bill to amend an act, passed in 1821, entitled an act respecting the Courts of Pleas and Quarter Sessions of Columbus county, were severally read the second and third time and passed, and ordered to be enrolled.

The engrossed bill to alter the names of Robert William Golding and Henry Hartman, and to legitimate them, was read the second time and passed.

The resignations of Lemuel Moore, of Pasquotank county; John Boykin, of Sampson county; John Jones, of Johnston county; William Graves and Jeremiah Graves; Lewis Riche, of Sampson county; and John Burton, of Ashe county, Justices of the Peace, were severally read and accepted by the Senate.

The Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 27, 1822.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed the following bills, to wit: A bill to incorporate the Free Bridge Company in the county of Buncombe; a bill to repeal all acts and clauses of acts offering a premium for wolf scalps in the county of Buncombe; a bill to authorise the securities of William Barr, late sheriff of Stokes county, to collect arrears of taxes; a bill to establish a free ferry in the county of Montgomery; a bill for the better repairing and keeping in good order the streets in the town of Jefferson, in Ashe county; a bill to give the County and Superior Courts concurrent jurisdiction over the state road from Wilkesborough, by Ashe Court House, to the Tennessee line; a bill to repeal an act, passed in 1820, entitled an act to establish separate courts of Probate for the counties of Pasquotank and Rutherford, and for other purposes, so far as it respects the courts of Rutherford; a bill to amend an act, passed the last session of this General Assembly, entitled an act to authorise the Smoky Mountain Turnpike Company to extend their turnpike road from the line of Tennessee to the mouth of Soco creek, in Haywood county; a bill to empower the county courts of Pleas and Quarter Sessions of Richmond and Montgomery counties to appoint commissioners to establish the dividing line between said counties; a bill to appoint commissioners and authorise the county court of Buncombe to lay a tax for

building a Court House in said county; also a resolution authorising the Public Treasurer to pay costs to the clerk of Wake Superior Court of Law; and in all of which they ask the concurrence of that House.

The resolution in favor of Robert Ray was read the second and third times and passed, and ordered to be engrossed.

The resolution requiring and instructing the Treasurer to call for an expose of the situation of the several Banks in this state, was read and adopted; and on this question the yeas and nays were demanded by Mr. Branch, which are as follows:

For the adoption of the resolution, are Messrs. Albritton, Baker of Brunswick, Baker of Gates, Branch, Beasley, Carson, Culpepper, Devane, Glisson, George, Greene, Hyman, Howell, Jordan, Jacocks, Lindsay, Marshall, Person, Peebles, Richardson, Spaight of Craven, Sumner, Sullivan, Spurgen, Torrence, Vanhook, Whitfield, Ward, Wall—yeas 29.

Against the adoption of the resolution, are Messrs. Barringer, Bray, Blackwell, Calloway, Davis, Flowers, Graves, Legrand, M'Kay, M'Leary, Miller, Outlaw, Parker, Raiburn, Robinson, Sneed, Shober, Seawell, Speight of Greene, Williams, Williamson, Wade—nays 23.

On motion, Mr. Torrence, the Senator from the county of Iredell, and Mr. Williamson, the Senator from the county of Lincoln, severally obtained leave of absence from the services of this House, from and after to-morrow, until the end of this session.

Mr. Peebles, from the committee appointed to conduct the balloting for a major-general of the sixth division of militia, reported that Edward Ward was duly elected; which report was concurred in.

Mr. Legrand, from the committee appointed to conduct the balloting for a major of cavalry, attached to the sixth brigade of militia, reported that major Cook was duly elected; which report was concurred in.

Received a message from the House of Commons, proposing to ballot for a Board of Internal Improvement, and nominating Thomas Turner, John D. Hawkins, Archibald D. Murphy, John Owen, Durant Hatch, Montfort Stokes, and James Barnett for that appointment; which proposition was agreed to by the Senate.

Received from the House of Commons, a message, proposing to ballot immediately for a lieutenant-colonel and major of cavalry, attached to the 15th brigade of militia, and nominating John M. Greenlee as lieutenant-colonel, and Edward Poor as major; which was agreed to, and the name of Charles Moore was added to the nomination.

Received from the House of Commons, a message, proposing that a balloting take place this day for a brigadier-general of the 18th brigade of militia, and nominating for that appointment Richard T. Brownrigg and George Blair; also proposing to ballot immediately for a brigadier-general of the third brigade of militia, and nominating William L. Hill and Montesquie W. Campbell; which propositions were agreed to by the Senate.

Received from the House of Commons, a message, stating that they do not concur with the first amendment made by the Senate to the bill to repeal the 13th section of an act, passed in the year 1818, entitled an act supplemental to an act concerning the Supreme Court; and also an act passed in the year 1821, entitled an act to amend an act supplemental to an act concerning the Supreme Court; and that they concur in the second amendment made by the Senate to the said bill; and thereupon the Senate receded from their first amendment to the said bill, as above specified.

Also, received from the House of Commons, a message, stating that they recede from their amendment to the bill to authorise the county courts of Pleas and Quarter Sessions of Chatham, Anson, &c. to appoint committees of Finance, so far as respects striking out the county of Bladen.

Mr. Person presented the following resolution:

That Hamilton Fulton, Esq. Civil Engineer, shall not be allowed, per annum, a sum exceeding three thousand dollars, for his services, including his nett salary and travelling expenses, and in the same proportion for any shorter time.

Which, on motion of Mr. Person, was ordered to lie on the table.

Mr. Cameron, from the Judiciary committee, reported a bill to amend an act, entitled an act for ascertaining the method of proving Book debts; which was read the first time and passed.

Received from the House of Commons, a message, stating that Mr. Bateman and Mr. Blair attend the Senate as superintendants of the balloting for a Board of Internal Improvement, and that the names of Archibald D. Murphey and James Barnett are withdrawn from the nomination, and that the name of Duncan Cameron is added; and thereupon Mr. Graves and Mr. Williams were appointed superintendants of the balloting on the part of the Senate.

The engrossed resolutions in favor of Samuel Whitaker, and in favor of the public printer, were severally read the second and third time and passed, and ordered to be enrolled.

The resolution in favor of Joseph Ross was read the second and third time and passed, and ordered to be engrossed.

The bill to raise a fund to liquidate the debt which the state owes to the State Bank of North-Carolina, was read the second time; and the question on the passage of the said bill was determined in the negative. On this question the yeas and nays were demanded by Mr. Jacocks, which were as follows:

For the passage of the said bill, are Messrs. Albritton, Baird, Bray, Blackwell, Beasley, Calloway, Flowers, Glisson, George, Greene, Hyman, Jordan, Lindsay, Marshall, Parker, Person, Peebles, Raiburn, Richardson, Sullivan, Speight of Greene, Torrence, Vanhook, Ward, Wall—yeas 25.

Against the passage of the said bill, are Messrs. Baker of Brunswick, Barringer, Brownrigg, Baker of Gates, Branch, Boddie, Carson Culpepper, Cameron, Davis, Devane, Howell Jacocks, Jones, Legrand, M'Leary, Miller, Robinson, Spaight of Craven, Sneed, Spurgen, Shober, Seawell, Troy, Whitfield, Williamson, Wade—nays 27.

Received from the House of Commons, a message, stating that Mr. Turner and Mr. Graham are appointed superintendants of the balloting for a brigadier-general of the third brigade of militia; and thereupon Mr. Carson and Mr. Peebles were appointed superintendants of the said balloting on the part of the Senate.

The engrossed bill to authorise a Justice of the Peace to appoint some fit person to act as coroner in certain cases, was read the second and third times and passed; and the said bill was amended on the second reading, on motion of Mr. Sneed, by inserting the word "three" in the 8th line of the section, and also by inserting the words "any three," after the word "authorise;" and a message was sent to the House of Commons, asking their concurrence in the amendment.

Received from the House of Commons, a message, stating that Mr. J. Jones and Mr. Love are appointed superintendants of the balloting for a brigadier-general of the 18th brigade of militia; and thereupon Mr. Van-

hook and Mr. Whitfield were appointed superintendants of the balloting on the part of the Senate.

Mr. Peebles, from the committee appointed to conduct the balloting for a brigadier-general of the 3d brigade of militia, reported that William L. Hill was duly elected; which report was concurred in.

Mr. Graves, from the committee appointed to conduct the balloting for a Board of Internal Improvement, reported that Thomas Turner, Durant Hatch, John Owen, Duncan Cameron, Montfort Stokes, and John D. Hawkins were duly elected; which report was concurred in.

The engrossed bill, ceding the jurisdiction of North-Carolina over a certain part of Ocracock Island, to the United States, was read the second and third times and passed, and ordered to be enrolled.

The engrossed bill for the relief of debtors, for debts which may be contracted after the first day of May next, was read the second and third times and passed; and the same was amended on the third reading, on motion of Mr. Seawell, by inserting the following section; "And be it further enacted, that it shall be lawful for the creditor, on the trial of any issue before the jury, under the provisions of this act, to have the debtor examined on oath before the said jury;" and a message was sent to the House of Commons, asking their concurrence in the amendment.

The Senate adjourned until this evening, 4 o'clock.

FRIDAY EVENING, 4 O'CLOCK.

The Senate met.

A message was sent to the House of Commons, proposing to ballot immediately for a major-general of the 8th division of militia, and nominating for that appointment general Daniel Bateman; also proposing to ballot for a lieutenant-colonel and major of cavalry, attached to the 8th brigade of militia; and nominating for lieutenant-colonel Joel M'Lane, and for major, Nathan Wright.

Received from the House of Commons, a message, stating that they have passed the bill to regulate the patrol in Richmond county, with an amendment to strike out the whole of the bill, after the enacting clause, and inserting the amendment accompanying the same; which was agreed to by the Senate.

Mr. Vanhook, from the committee appointed to conduct the balloting for a brigadier-general in the 18th brigade of militia, reported that Richard T. Brownrigg was duly elected; which report was concurred in.

Mr. M'Kay, from the select committee to whom was referred the bill to alter the times of holding the Superior courts, in the fifth circuit, reported the same with amendments; which were not agreed to; and the said bill was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed a bill appointing commissioners to lay off and mark a road from Charlotte to the Anson line; also a bill to incorporate the President and Directors of the Cape-Fear Steam Boat Company; also a bill supplemental to an act, passed at the present session of the General Assembly, entitled an act to allow commissions to constables in the counties of Warren, Northampton and Brunswick; also a resolution instructing the Board of Internal Improvement &c.; and also a resolution relative to the seats in the Commons Hall; and in which they ask the concurrence of the Senate.

Thereupon the said bills were read the first time and passed, and the resolutions were severally adopted.

Received from the House of Commons, a message, stating that they have passed a bill pointing out the mode whereby the militia of this state shall hereafter be called into service in certain cases; also a bill to amend the first section of an act, passed in 1821, entitled an act to keep open Ivey River, in Buncombe county, as far up said river as Carter's Mills, and for other purposes; also a bill to prevent hogs from running at large in certain parts of Currituck county; also a bill to amend an act, passed in the year 1818, relative to weights and measures; also a bill regulating the mode of taking Fish with the seine, on Salmon Creek; also a bill to authorise John A. Cameron, of the town of Fayetteville, to erect and keep a toll-bridge across Deep River, in Chatham county; also a bill to direct how the compensation of the Port Physician of the town of Newbern shall be paid; and also a bill to alter the names and legitimate Thomas Jefferson Peel, James Madison Peel, and George Washington Peel; in which they ask the concurrence of the Senate. Thereupon the said bills were severally read the first, second and third times and passed, and ordered to be enrolled, except the bill pointing out the mode whereby the militia of this state shall hereafter be called into service in cases of insurrection, and the bill to amend an act, passed in 1818, relative to weights and measures. These being public bills, were ordered to lie on the table until to-morrow, as the order of the day.

And the engrossed bill to alter the names and legitimate Thomas Jefferson Peel, James Madison Peel, and George Washington Peel, was amended, on motion of Mr. Speight of Greene, by inserting an alteration of the names of Deborah Wiggins and John Wiggins, in the county of Greene, to that of Deborah Glasgow and John Glasgow; and the said bill was further amended, on motion of Mr. Glisson, by inserting an alteration of the name of Amos Brown, of Duplin county, to that of Amos Brown Waller; and a message was sent to the House of Commons, asking their concurrence in the amendments.

The engrossed bill to incorporate the President and Directors of the Cape-Fear Steam Boat Company, and the bill appointing commissioners to lay off and mark a road from Charlotte to the Anson county line, were read the second and third time and passed, and ordered to be enrolled.

Received from the House of Commons, a message, stating that Mr. Garry and Mr. Worth attend the Senate as superintendants of the balloting for a lieutenant colonel and major of cavalry, attached to the 8th brigade of militia: and thereupon, Mr. Barringer and Mr. Culpepper were appointed superintendants on the part of the Senate.

Received from the House of Commons, a message, proposing to ballot immediately for major of the Fayetteville artillery, and nominating Capt. Henry W. Ayres for that appointment; which proposition was agreed to, and Mr. Blackwell and Mr. Bethune were appointed on the part of the Senate.

Received from the House of Commons, a message, agreeing to ballot for a major general of the eighth division of militia, and appointing Mr. Webb and Mr. Wilkins to conduct the balloting on the part of that House; and thereupon, Mr. Baker, of Gates, and Mr. Lindsay were appointed superintendants on the part of the Senate.

Received from the House of Commons, a message, stating that Mr. Gary and Mr. Fox are appointed superintendants of the balloting on the part of that House, for a major of the Fayetteville corps of artillery.

Mr. Barringer, from the committee appointed to conduct the balloting for a lieutenant colonel and major of cavalry attached to the eighth brigade of militia, reported that Joel M'Lane was duly elected lieutenant colonel, and Nathan Wright as major; which report was concurred in.

Mr. Blackwell, from the committee appointed to conduct the balloting for a major of the Fayetteville corps of artillery, reported that Henry W. Ayers was duly elected; which report was concurred in.

Received from the House of Commons, a message, stating that Mr. Pugh and Mr. Hill are appointed, on the part of that House, superintendants of the balloting for a colonel, lieutenant-colonel, and major of cavalry, attached to the 16th brigade; and thereupon Mr. Vanhook and Mr. Person were appointed on the part of the Senate.

Mr. Lindsay, from the committee appointed to conduct the balloting for a major-general of the eighth division of militia, reported that Daniel L. Bateman was duly elected; which report was concurred in.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to regulate, in part, the practice in the County and Superior courts, with sundry amendments therein specified; which were agreed to by the Senate.

The engrossed bill, supplemental to an act, passed at the present session of the General Assembly, entitled an act to allow commissions to constables in the counties of Warren, Northampton and Brunswick, was amended so as to strike out "New-Hanover" and "Granville," and insert the word "and," before "Ashes;" and thereupon it was passed, and a message was sent to the House of Commons, asking their concurrence in the amendments.

Received from the House of Commons, a message, stating their concurrence in the amendments made by the Senate to the bill for the relief of debtors, for debts contracted after the first day of May next. Thereupon the said bill was ordered to be enrolled.

Mr. Vanhook, from the committee appointed to conduct the balloting for cavalry officers, in the sixteenth brigade, reported that Thomas Hargis was duly elected colonel; John Wiley, lieutenant-colonel; and Reuben Walton, major; which report was concurred in.

Received from the House of Commons, a message, proposing to ballot immediately for brigadier-general of the 13th brigade, and nominating colonel James O. K. Williams; which proposition was agreed to.

The engrossed bill to amend the 3d section of an act, passed in the year 1795, chap. 444; and also the engrossed bill to amend an act, passed in 1811, entitled an act to make the stealing of standing or growing corn, maize, cotton and rice, larceny, were severally read and rejected, and the House of Commons was informed thereof by message.

The bill to prevent the clerks of courts of Record from practising as attorneys or counsellors, within their respective counties in this state; and the bill to extend certain privileges to the securities of persons who may hereafter take the prison bounds, were severally read, and, on motion, indefinitely postponed.

The Senate adopted the following resolution:

That the Joint Rule of the two Houses which requires private bills to be enrolled, be suspended, so far as regards those bills which have been engrossed, after passing one House, and which shall not be amended in the other.

And the same was sent to the House of Commons for their concurrence.

Received from the House of Commons, a message, stating their concurrence in the amendments made by the Senate to the bill to authorise a Justice of the Peace to appoint some fit person to act as coroner in certain cases; and to the resolution in favor of Josiah Turner, late sheriff of Orange county. Thereupon the said bill and resolution were ordered to be enrolled.

The following engrossed bill, to wit: A bill to authorise the county Court of Haywood to appoint an Entry Taker and Surveyor, for the lands lately acquired by treaty from the Cherokee Indians, was read the second time and passed.

The engrossed bill to amend the 19th section of an act, passed in the year 1794, chapter 114, entitled an act directing the mode of recovering debts of twenty pounds and under; also the bill to incorporate a Light Infantry company in the town of Newbern; and also the bill making the officials of the Secretary evidence in certain cases, were severally read the second and third times and passed, and the first and the last mentioned bills were ordered to be enrolled; the other was amended by striking out the 8th section, and a message was sent to the House of Commons, asking concurrence.

The resolution from the House of Commons, directing the Secretary of State to issue certain military land warrants, was read and adopted, and ordered to be enrolled.

The bill to protect the persons of honest debtors; the bill concerning owners of cotton gins; and the bill to prevent the destruction of oysters in this state, and for other purposes, were severally read the second time and rejected.

Mr. M'Kay presented a bill concerning Inspectors in the town of Wilmington, and for other purposes; which was read the first time and passed.

The bill regulating the duties of the clerks of county courts, and others, in certain cases therein mentioned; also the bill to amend an act, passed in 1812, entitled an act concerning equitable interests in real and personal estates; and also the bill concerning public arms, were severally read the second and third time and passed, and ordered to be engrossed.

The engrossed bill to alter the names of Robert William Golding and Henry Hartman, and to legitimate them; and the bill concerning jails, were read; the first mentioned bill the third time, and the last mentioned bill the second and third time, and passed, and ordered to be enrolled.

The resignations of Luke Albritton, of Pitt county, and Jason Carson, of Burke county, justices of the Peace, were read and accepted.

The Senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 28, 1822.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill to amend an act, entitled an act concerning equitable interests in real and personal estates; a bill to alter the times of holding

the Superior Courts in the fifth circuit; a bill regulating the duties of the clerks of the County Courts and others, in certain cases therein mentioned; a bill concerning the public arms; a resolution requiring and instructing the Treasurer to call for an expose of the situation of the several Banks in this State; a resolution in favor of Robert Ray; and also a resolution in favor of Joseph Ross; and in all of which they ask the concurrence of the House of Commons.

Mr. Glisson presented a bill to fix the time when the term of service of members of the General Assembly shall expire; which was read the first time and passed.

Mr. Calloway presented a resolution requesting His Excellency the Governor, to instruct the civil engineer to inquire if any, and what public roads ought to be laid out within this State, and that the said engineer report his opinion thereon to the Board of Internal Improvements, to be by them reported to the next General Assembly; which was not agreed to.

Mr. Graves presented the petition of Josiah Hutchins, praying permission to retail spirituous liquors; which was referred to the committee of Propositions and Grievances.

On motion of Mr. Jacobs, a message was sent to the House of Commons, proposing to ballot immediately for a brigadier general of the thirteenth brigade of militia, and nominating for that appointment Wilson B. Hodges.

Mr. Culpepper moved to reconsider the bill, which was rejected by the Senate on yesterday, entitled a bill to prevent the destruction of oysters in this State, and for other purposes; which was agreed to; and the said bill being reconsidered, was read the second time, amended and passed.

Received from the House of Commons, a message, stating that they concur in the amendment made by the Senate to the bill supplementary to an act, passed at the present session of the General Assembly, entitled an act to allow commissions to constables in the counties of Warren, Northampton and Brunswick; and thereupon the same was ordered to be enrolled.

Mr. Ward, from the committee of Claims, to whom was referred the petition of John Crumpler, late sheriff of Sampson county, praying to be reimbursed for certain insolvent polls, made a report unfavorable to the prayer of the petitioner; which was concurred in.

Mr. Jones, from the committee on Internal Improvements, to whom was referred a resolution of the Senate of the 6th inst. relative to the erection of a bridge across Pidgeon River, returned the same, and requested that the said committee be discharged from the further consideration of the subject; which was agreed to.

Mr. Seawell moved that so much of the 12th rule of the Senate requiring that a motion to reconsider a question shall be made on the same or succeeding day, be dispensed with, so far as respects the reconsideration of the engrossed bill, which was rejected by the Senate on the 26th inst. entitled a bill to provide for the collection of debts due the State, which do not exceed one hundred dollars; which was agreed to. Mr. Seawell then moved to reconsider the said bill; which was agreed to; and the said bill being reconsidered, and read the second time, it was amended by striking out the preamble, and inserting the following, on motion of Mr. Seawell, to wit: "That the public treasurer of this state shall have full power and au-

thority to move for judgment against any person or persons indebted to the state, in any court of Record in this state, in the same manner and under the same rules and regulations which are prescribed in cases of delinquent sheriffs; and the said courts, respectively, shall render judgment and award execution, though the amount thereof may be within the jurisdiction of a Justice of the Peace;" and the said bill was further amended, by inserting in the Caption the following words: "more effectually for the collection of debts due the state." The question then recurred on the passage of the said bill, and the question thereon was determined in the affirmative. Thereupon the said bill was read the third time and passed; and a message was sent to the House of Commons, asking a concurrence in the said amendments.

The bill to prevent the destruction of oysters in this state, and for other purposes, was read the third time and passed, and ordered to be engrossed.

Mr. Cameron presented the following resolution:

That the Door-keepers of both Houses of the General Assembly be allowed the sum of Twenty-five dollars each, in addition to their pay as prescribed by law: That the Public Treasurer do pay the same, for which he shall be allowed in the settlement of his accounts.

Resolved further, That the rule which requires all resolutions appropriating public money, to be read three times, be dispensed with, so far as relates to this resolution.

Which was adopted, and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed a bill to amend the sixth section of an act, passed in the year 1812, entitled an act for dividing the state into districts for electing representatives to Congress; also a bill to alter the mode of holding the election of vestry men, for St. James's Church, in the town of Wilmington; also a bill to facilitate the navigation of Lumber River; also a bill for the better regulation of the town of Edenton; also a bill to establish a Superior Court of Law and Court of Equity in the county of Davidson, and for other purposes; also a resolution creating a Board to pass on the contracts made by the State Architect; also a resolution in favor of John Lumsden; also a resolution in favor of William Watson; also a resolution appropriating a sum of money to complete the State House; and in all of which they ask the concurrence of the Senate. Thereupon the four bills first above mentioned were severally read the first, second and third times and passed, and ordered to be enrolled; and the other bills and resolutions were severally read the first time and passed by the Senate.

Received from the House of Commons, a message, stating that they have indefinitely postponed the engrossed bill further to amend an act, entitled an act concerning proving wills and granting letters of administration, and to prevent frauds in the management of intestates' estates, passed in 1715; and also the bill to repeal an act, passed in 1821, entitled an act to amend and explain the 42d section of an act, passed in 1777, entitled an act for establishing Courts of Law, and for regulating proceedings therein.

Received from the House of Commons, a message, stating that Mr. Frink and Mr. Jiggetts are appointed superintendants of the balloting for a brigadier-general of the thirteenth brigade of militia; and thereupon Mr. Carson and Mr. Beasley were appointed on the part of the Senate.

Mr. Outlaw presented a bill to amend an act, passed in the year 1784, entitled an act to prevent the exportation of unmerchable commodities: which, on being read, was, on motion, rejected.

The bill concerning Inspectors in the town of Wilmington, and for other purposes, was read the second and third time and passed, and ordered to be engrossed.

The engrossed bill for improving the navigation of the Cape-Fear river, below Wilmington, was read the second time: Mr. Seawell moved to amend the same by adding the following provision, to wit: "Provided, that before any payment shall be made in virtue of this act, the President and Directors of the Corporation for improving the navigation of Cape-Fear river, shall execute, according to law, a surrender to the state of all interest in the navigation of said river, below the uppermost wharf in the town of Wilmington, which deed of surrender shall be deposited in the Secretary's office: Provided further, that no payment shall be made in virtue of the provisions of this act, unless, in the opinion of the Board of Internal Improvement, the object of this act is attainable, and that it is expedient and consistent with good policy such appropriation and payment should be made, and can be accomplished by the means hereby appropriated; which opinion of the said Board shall accordingly be first certified to the Public Treasurer." Which amendment was agreed to. Mr. Seawell then moved that the said bill be indefinitely postponed; and the question thereon was determined in the negative. The yeas and nays on this question were demanded by Mr. Davis, and are as follows:

For the indefinite postponement of the bill, are Messrs. Albritton, Bray, Blackwell, Beasley, Culpepper, Davis, Flowers, George, Hyman, Howell, Lindsay, Outlaw, Parker, Person, Raiburn, Richardson, Spaight of Craven, Sumner, Seawell, Speight of Greene, Williams, Whitfield—yeas 22.

Against the indefinite postponement of the bill, are Messrs. Baker of Brunswick, Baird, Barringer, Brownrigg, Bethune, Baker of Gates, Carson, Cameron, Calloway, Devane, Glisson, Greene, Jacobs, Legrand, Marshall, M'Kay, M'Leary, Miller, Peebles, Robeson, Sneed, Sullivan, Spurgen, Shober, Troy, Vanhook, Williamson, Ward, Wade, Wall—nays 30.

The question then recurred on the passage of the said bill the second time; and the question thereon was determined in the affirmative. On this question the yeas and nays were demanded by Mr. Lindsay; which are as follows:

For the passage of the said bill, are Messrs. Baker of Brunswick, Baird, Barringer, Brownrigg, Bethune, Baker of Gates, Carson, Cameron, Calloway, Devane, Glisson, Greene, Jacobs, Legrand, Marshall, M'Kay, M'Leary, Miller, Peebles, Robinson, Sneed, Sullivan, Spurgen, Shober, Troy, Vanhook, Williamson, Ward, Wade, Wall—yeas 30.

Against the passage of the said bill, are Messrs. Albritton, Bray, Blackwell, Beasley, Culpepper, Davis, Flowers, George, Hyman, Howell, Jones, Lindsay, Outlaw, Parker, Person, Raiburn, Richardson, Spaight of Craven, Sumner, Seawell, Speight of Greene, Williams, Whitfield—nays 2.

Thereupon the said bill was read the third time and passed; and a message was sent to the House of Commons asking their concurrence in the said amendments.

The Senate adjourned until this evening, 4 o'clock.

—
SATURDAY EVENING, 4 O'CLOCK.

The Senate met.

Mr. M'Kay, from the committee on the part of the Governor's message relative to the militia, reported the following resolution:

That the adjutant-general of this state, assisted by Henry Seawell, esq. of Wake county, be, and he is hereby required and authorised to revise, amend and con-

solidate the several acts of the General Assembly now in force, for the organization, arming, discipline and government of the militia of this state, conforming the same to the constitution and laws of the United States, and make report to the next session of the Legislature.

Which resolution was adopted, and ordered to be engrossed.

Mr. Baker presented the following resolution:

That the Board of Internal Improvement be instructed to inquire into the state and condition of the Meherrin Navigation Company, and that they report to the next General Assembly.

Which was adopted, and ordered to be engrossed.

Received from the House of Commons, a message, stating their concurrence in the amendments made by the the Senate to the bill to alter the names and legitimate Thomas Jefferson Peel, James Madison Peel, and George Washington Peel; also to the amendments made by the Senate to the bill to provide for the collection of debts due the state, which do not exceed one hundred dollars. Thereupon the said bills were severally ordered to be enrolled.

Mr. Beasley, from the committee appointed to conduct the balloting for a brigadier-general of the the thirteenth brigade, reported that James O. K. Williams was duly elected; which report was concurred in.

Mr. Shober, from the committee of Propositions and Grievances, to whom was referred the petition of Josiah Hutchins, praying authority to retail spirits free from the payment of taxes, made a report unfavorable to the prayer of the petitioner; which report was concurred in; and thereupon, on motion of Mr. Shober, the petitioner obtained leave to withdraw his petition, and the accompanying papers.

A message was sent to the House of Commons, stating that the Senate have passed a bill to prevent the destruction of oysters, and for other purposes, in this state; also a bill concerning Inspectors in the town of Wilmington, and for other purposes, and asking the concurrence of that House.

The bill to amend an act, entitled an act for ascertaining the method of proving book debts; and the bill to regulate pilotage over the bar of Cape-Fear, were severally read the second and third time and passed; and the last mentioned bill was amended on the second reading, on motion of Mr. Hyman, by adding the following provision: "Provided that this act shall not extend to vessels of sixty tons and under, entering either of the bars for the purpose of making a harbor, or passing out of either of said bars;" And thereupon the said bills were ordered to be engrossed.

On motion, Mr. Culpepper, the senator from the county of Camden, obtained leave of absence from the services of this House, from and after this day, until the end of the present session.

Mr. Shober moved to reconsider the bill, which passed the third reading on this day, entitled a bill for improving the navigation of the Cape-Fear river, below Wilmington, with a view to amend the said bill; which motion to reconsider was not agreed to.

Received from the House of Commons, a message, stating that they have passed the engrossed bill concerning public arms, with an amendment, by inserting the following provision: "That no commanding officer of a volunteer company shall be allowed to draw arms from the arsenal, before he shall give bond, with two good securities to the Governor, if required, in double the aforesaid value of the arms, conditioned for the safe keeping,

cleaning and returning of the arms; which was agreed to, and the same was ordered to be enrolled.

Received from the House of Commons, a message, stating that Mr. Broadnax is added to the committee of Enrolment; and also a message stating their concurrence in the amendment made by the Senate to the bill for improving the navigation of the Cape-Fear river, below Wilmington; and thereupon the said bill was ordered to be enrolled.

The engrossed resolution allowing P. Henderson, clerk of the House of Commons, forty-one dollars and forty cents, for articles purchased for the House of Commons, was read the first, second and third time, and passed, and ordered to be engrossed.

The bill to fix the time when the term of service of the members of the General Assembly shall expire; and the bill further to regulate pilotage over Ocracock and the Swashes, were severally read and rejected.

A message was sent to the House of Commons, stating that the Senate have indefinitely postponed the engrossed bill to amend an act, passed in the year 1818, relative to weights and measures; and the bill to authorise the County Court of Haywood to appoint an Entry-Taker and Surveyor for the Lands lately acquired by treaty from the Cherokee Indians, which have not been surveyed by the state.

The following engrossed bills and resolutions, to wit: A bill to provide for the sale of the lands lately acquired by treaty from the Cherokee Indians, which have been surveyed and remain unsold; a bill pointing out the mode whereby the militia of this state shall hereafter be called into service, in cases of insurrection; also a resolution in favor of William Watson; also a resolution appropriating a sum of money to complete the State House; also resolutions creating a Board to pass on the contracts made by the State Architect, were severally read the second and third time and passed, and ordered to be enrolled.

The engrossed bill to establish a Superior Court of Equity in the county of Davidson, and for other purposes, was read the second time, and amended, on motion of Mr. Cameron, by striking out the whole of the bill, after the word "bill" to the word "county," at the end of the 4th section, and inserting the amendment accompanying the same. Thereupon the said bill passed the second and third time; and the engrossed resolution in favor of John Lumsden was read the second time, and amended, on motion of Mr. Cameron, by striking out, after the word "Lumsden," in the 2d line, to the word "three," in the sixth line; also to strike out, from the word "house," in the 8th line, to the word "and," in the 9th line. Thereupon the said resolution was passed the second and third time; and a message was sent to the House of Commons, asking their concurrence in the amendments to the said bill and resolution.

The Senate adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 30, 1822.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill to amend an act, entitled an act for ascertaining the method of proving book debts; and a bill further to regulate the pilotage over the bar of Cape-Fear; also a resolution requiring the adjutant-general, assisted by Henry Seawell, esq. to revise, amend, &c. the several acts now

in force relative to the militia, &c.; and a resolution in favor of the Door-keepers of both Houses; and in all of which they ask the concurrence of that House.

On motion, Mr. Beasley, the Senator from the county of Tyrrell, and Mr. Ward, the senator from the county of Onslow, obtained leave of absence from the services of this House, from and after this day, until the end of this session.

Mr. M'Kay, from the committee of Finance, who were charged with the duty of counting and destroying the worn and defaced Treasury Notes, which have been redeemed by the state, reported that they have burned and destroyed the sum of six thousand three hundred and ten dollars and fifty-one and a fourth cents of the Treasury Notes issued by this State; and for that sum, they recommend that the Public Treasurer be allowed in the settlement of his next annual account with the state; which report was read and concurred in.

Mr. Spaight, of Craven, from the same committee, to whom was referred the examination of the Comptroller's vouchers, reported that they have carefully examined all the papers and vouchers in the Comptroller's office, relative to the fiscal concerns of the last year, and find that the statement made to the Legislature, of the date of the first day of November last, by the Comptroller, is in all respects correct; they therefore saw the said papers and vouchers cancelled as the law directs. Which report was concurred in.

On motion, a message was sent to the House of Commons, proposing to ballot immediately for a brigadier-general in the first brigade of the militia, and also a major of cavalry, attached to the third brigade of militia, and nominating for the appointment of major, Jacob Golding.

On motion of Mr. M'Kay, so much of the Rules of the Senate as require all public bills to be announced one day previous to their being read the second time, was dispensed with.

Mr. M'Kay presented a resolution authorising and requesting the Judges of the Supreme Court to revise, amend and consolidate into one, the several acts of the General Assembly relative to administrators and executors, and make report to the next annual meeting of this Legislature. *Resolved further*, that the Secretary of State be directed to furnish the Chief Justice of said Court with a copy of the foregoing resolution. Which was read and adopted, and ordered to be engrossed.

Mr. M'Kay presented the following resolution:

That the President of the Board of Internal Improvement be instructed to forward to each of our Senators and Representatives in Congress a copy of an act, entitled an act for improving the navigation of Cape Fear river below Wilmington, together with a memorial praying that the General Government will either make an appropriation adequate to the accomplishment of said object, or to pass a special act authorising the General Assembly of this state to lay and collect reasonable tolls, from time to time, for the purpose of reimbursing such sum or sums as may be expended under the aforesaid act, not exceeding twenty thousand dollars.

Which resolution was read and adopted, and ordered to be engrossed.

Received from the House of Commons, a message, stating their concurrence in the amendment made by the Senate to the bill relative to the Newbern Light Infantry Company. Thereupon, the said bill was ordered to be enrolled.

A message was sent to the House of Commons, stating that the Senate

have passed the resolution instructing the Board of Internal Improvement to inquire into the state and condition of the Meherrin Navigation Company; and asking the concurrence of that house.

The engrossed bill supplemental to an act, passed at the present session of the General Assembly, entitled an act to promote agriculture and family domestic manufactures in this state, was read the first, second and third time, and passed; and, on motion of Mr. Cameron, was amended on the second reading, by inserting in the 11th line of the second section the words "*by his own oath or otherwise,*" after the word "proof;" and a message was sent to the House of Commons, asking their concurrence in the amendment.

Received from the House of Commons, a message, stating their agreement to ballot immediately for a brigadier-general in the 1st brigade of militia, and nominating for that appointment William Gregory and Willis Wilson; also stating that Mr. Jones and Mr. J. Cherry are appointed superintendants of the balloting on the part of that house. Thereupon, Mr. Carson and Mr. Jacocks were appointed superintendants of the balloting on the part of the Senate.

Mr. Vanhook presented a resolution directing the state architect to furnish the Senate chamber with plain, neat settees, with cushions for the members, and one dozen chairs for the accommodation of persons about the fireplace; which was read the first, second, and third time, and passed, and ordered to be engrossed.

Mr. Jacocks, from the committee appointed to conduct the balloting for a brigadier-general of the 1st brigade of militia, reported, that William Gregory was duly elected; which report was concurred in.

Mr. Cameron, from the committee on the Judiciary, to whom was referred a bill to amend an act concerning old titles of land, and for limitations of actions, and for avoiding suits in law, returned the said bill, and moved that the same be indefinitely postponed; and the question thereon was determined in the affirmative.

Mr. Cameron, from the same committee, to whom was referred the petition of Hannah Duckworth, of Moore county, relative to the emancipation of certain slaves, reported unfavorable to the prayer of the petitioner; which report was concurred in.

The bill concerning executions issued by justices of the peace, was read the third time, and amended, and passed, and ordered to be engrossed.

The engrossed bill for the more convenient administration of justice, in capital cases, was read the second time, and the question on the passage of the said bill was determined in the negative.

On motion, Mr. Phelps, the Senator from the county of Washington, obtained leave of absence from the services of this house, from and after this day, until the end of this session.

Mr. Seawell presented the following resolution:

That Thomas B. Wheeler and Robert Ray, door keepers of this house, be allowed compensation for the last day of the last session of the General Assembly of this state, and that the public Treasurer pay the same.

Which was read the first, second, and third time, and passed, and ordered to be engrossed.

The bill concerning entries of land in certain counties within this state, was read the first, second, and third time, amended and passed, and ordered to be engrossed.

The bill to repeal an act in addition to the acts relative to insolvent debtors, passed in 1821, was read the second time, and the question on the passage of the said bill was determined in the negative.

The resolution in favor of John Lumsden was returned from the House of Commons, accompanied with a message from that house, stating their concurrence in the amendments made by the Senate, to the said resolution. Thereupon the same was ordered to be enrolled.

The engrossed bill to amend the act, passed in the year 1818, entitled an act to amend an act, passed in the year 1815, to incorporate a company and make a turnpike road from Pungo river, in Hyde county, to the town of Plymouth, in Washington county, was read the second time, and amended, on motion of Mr. Cameron, by inserting in the 8th line of the first section the words "and Daniel W. Martin;" also, in the 10th line and fourth section, by striking out from the word "of" in the said line to the word "appropriated;" and in the 12th line of the same section to insert "The fund heretofore set apart for internal improvement." Thereupon the said bill was passed the second and third time, and a message was sent to the House of Commons, asking their concurrence in the amendments.

A message was sent to the House of Commons, stating that the Senate have passed a bill concerning entries of land in certain counties within this state; also, a resolution in favor of Thomas B. Wheeler and Robert Ray; a resolution authorising the judges of the Supreme Court, to revise, &c. the acts of the General Assembly, relative to administrators and executors; and a resolution instructing the president of the Board of Internal Improvement, &c. and asking the concurrence of that House; and stating further, that the Senate have indefinitely postponed the bill for the more convenient administration of justice in capital cases.

Received from the House of Commons, a message, stating that Mr. Blair and Mr. McMillan of Ashe, wait on the Senate as a committee, to conduct the balloting for a major of cavalry, attached to the third brigade of militia. And thereupon, Mr. Carson and Mr. Peebles were appointed on the part of the Senate.

Received from the House of Commons, a message, stating their concurrence in the amendments made by the Senate, to the bill supplemental to an act, passed at the present session of the General Assembly, entitled an act to promote agriculture and family domestic manufactures in this state; and also, to the amendments made to the bill to establish a Superior Court of Law, and Court of Equity in the county of Davidson. Thereupon the said bills were severally ordered to be enrolled.

Received from the House of Commons, a message, stating that they have passed the engrossed bill concerning inspectors in the town of Wilmington; and for other purposes, with an amendment to strike out the words "last day of March next," and insert the words "ratification hereof;" which amendment was agreed to by the Senate. A resolution was received from the House of Commons, relative to the compensation of the engineer, which was ordered to lie on the table.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to encourage the apprehension of runaway slaves in the Great Dismal Swamp, with an amendment, to add the words, in the 6th line of the fourth section, to wit: "nor to negroes, the property of persons living on the north east side of Chowan river; and the north side of

Albemarle sound;" which amendment was not agreed to, and the House of Commons were informed thereof by message.

Received from the House of Commons, a message, stating their concurrence in the amendments made by the Senate to the bill to amend an act, passed in the year 1818, entitled an act to amend an act, passed in the year 1815, to incorporate a company, and make a turnpike road from Pungo river, in Hyde county, to the town of Plymouth, in Washington county. Thereupon the said bill was ordered to be enrolled.

Mr. Carson, from the committee appointed to conduct the balloting for a major of cavalry, in the third brigade, reported that Jacob Golding is duly elected; which report was concurred in.

Mr. Brownrigg presented a resolution appointing Matthew Shaw an additional engrossing clerk, for the balance of this session; which was read and adopted, and sent to the House of Commons for their concurrence.

Mr. Cameron, from the committee on the judiciary, to whom was referred the bill to advance the administration of justice in the Supreme Court, reported the said bill without amendment. Thereupon the said bill was read the first, second, and third time, and passed, and ordered to be engrossed.

The resolution requiring and instructing the treasurer to call for an expose of the situation of the several banks in this state, was returned from the House of Commons; endorsed in that House, "Read and concurred with." Thereupon the same was ordered to be enrolled.

Mr. Shober presented the following resolution:

That the Secretary issue to John Ferguson, of Stokes county, a grant for fifteen acres of land on his entry and warrant, No. 1275; the purchase money of which land having been paid according to the comptroller's certificate, and the grant issued agreeable to the platt, and survey made by the surveyor of Stokes county, which appears to be properly authenticated.

Which was read and adopted, and ordered to be engrossed.

The Senate adjourned until this evening, 4 o'clock.

MONDAY EVENING, 4 O'CLOCK, DECEMBER 30, 1822.

The Senate met.

A message was sent to the House of Commons, stating that the Senate have passed a bill concerning executions issued by justices of the peace; and a resolution directing the state architect, &c. &c. in which they ask the concurrence of that house.

A message was received from the House of Commons, stating that they recede from the amendment proposed by them to the bill to encourage the apprehension of runaway slaves in the Great Dismal Swamp; and thereupon, the same was ordered to be enrolled.

Received from the House of Commons, a message, stating that they have passed a resolution in favor of George Williamson, of Caswell county; also, a resolution in favor of John Barnett, sheriff of Person county; and also, a resolution in favor of Samuel Dickins, of Person county; in which they ask the concurrence of the Senate. Thereupon, the said resolutions were severally read the first, second, and third time, and passed, and ordered to be enrolled.

The resolution appointing Matthew Shaw an additional engrossing clerk, was returned from the House of Commons, endorsed "Read and adopted by that house."

Received from the House of Commons, a resolution, adopted by that

house, referring the petitions of several persons for land warrants, to the Governor, Treasurer, and Comptroller; and also, a resolution in favor of John Harrison; which resolutions were also adopted by the Senate.

Received from the House of Commons, a message, stating that they have passed a bill to repeal an act to appoint a board of branch pilots to examine all persons who now have, or may hereafter wish to obtain a branch pilot, over Ocracock Bar and the Swashes, passed in 1819; also, a bill to take away the Benefit of Clergy from accessaries before the fact, in certain felonies; in which they ask the concurrence of the Senate. Thereupon, the said bills were severally read and rejected; and the House of Commons were informed thereof by message.

Received from the House of Commons, a message, stating that they have indefinitely postponed the bill further to regulate the pilotage over the bars of Cape Fear river; also, the engrossed bill to amend an act for ascertaining the method of proving book debts; and also, a bill concerning executions issued by justices of the peace.

Received from the House of Commons, a message, stating that they have passed a resolution in favor of Thomas Henderson; and a resolution requiring the state architect to preserve chandeliers, &c. and asking the concurrence of the Senate. Thereupon the first mentioned resolution was read the first, second, and third time, and passed; and the last mentioned resolution was read and concurred in.

The report of the committee of Finance on the subject of the defaced Treasury Notes, was returned from the House of Commons, read and concurred in.

The following engrossed resolutions, to wit: a resolution instructing the President of the Board of Internal Improvement, &c. a resolution authorising the Judges of the Supreme Court to revise, &c. the Acts of the General Assembly relative to administrators and executors; a resolution requiring the Adjutant General, assisted by Henry Seawell, esq. to revise, amend, &c. the several acts now in force relative to the militia; a resolution instructing the Board of Internal Improvement to inquire into the state and condition of the Meherrin Navigation Company; and a resolution in favor of the door keepers of both houses; were severally returned from the House of Commons, endorsed in that house "Read and concurred in."

The Senate adjourned until to-morrow morning, 7 o'clock.

TUESDAY MORNING, 7 O'CLOCK.

The Senate met.

After ratifying several bills and resolutions, received from the House of Commons, a message, stating that they have acted on all the business before them, and proposing to adjourn sine die. Whereupon, a message was sent to the House of Commons, agreeing thereto.

Mr. Glisson presented the following resolution:

Resolved, unanimously, That the thanks of the Senate be given to the honorable Bartlet Yancy, for the able, dignified, and impartial manner in which he has discharged the duties of the chair, during the present session.

Upon this resolution, the question being put by the clerk, it was adopted, unanimously. Whereupon, the honorable Speaker made an appropriate address to the Senate, and adjourned the house, *sine die*.

BARTLET YANCY, *Speaker of the Senate.*

By order.

B. H. COVINGTON, *Clerk of the Senate.*

